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France

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I. Introduction and methodology of preparation of the national report

1. Respecting human rights is among the core values of the French Republic, springing from the philosophy of the Enlightenment and the Declaration of the Rights of Man and of the Citizen of 26 August 1789.

2. France supported the establishment of the universal periodic review and took an active part in the reform of the Human Rights Council. In 2013, convinced of the essential role of peer review, it submitted, on its own initiative, an interim report on effective implementation of the recommendations it had received.

3. The Ministry of Europe and Foreign Affairs supervised the preparation of this report. The national human rights situation it sets out is the result of consultation of the relevant ministries, independent administrative authorities responsible for the protection of human rights, and the National Consultative Commission on Human Rights (CNCDH).[1] The Commission involved civil society on 20 March 2017.

II. Improvement of the normative and structural framework for protection of human rights

4. Since the last universal periodic review recommendations, France has ratified the following treaties:

- The Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence, on 4 July 2014, entered into force on 1 November 2014.[2] This reflects the firm commitment of France to preventing such violence and coordinating measures in the framework of global policies.[3]
- The Optional Protocol to the International Covenant on Economic, Social and Cultural Rights, on 18 March 2015,[4] entered into force on 18 June 2015.[5]
- The Third Optional Protocol to the Convention on the Rights of the Child on a communications procedure, on 7 January 2016, entered into force on 7 April 2016.[6] This ratification underscores the commitment of France to promoting the rights of children, acknowledging their opinions and respecting their best interests.[7]
- The Protocol to the International Labour Organization (ILO) Forced Labour Convention, 1930 (No. 29), on 7 June 2016, entered into force on 7 June 2017.[8, 9]
- The Paris Agreement, on 15 June 2016, following its presidency of the twenty-first session of the Conference of the Parties to the United Nations Framework Convention on Climate Change (COP21). This is the first universal environmental agreement referring to respect of human rights, the right to health, gender equality,[10] the empowerment of women and fairness between generations. France was committed to ensuring that the Agreement contained no ambiguities regarding gender equality. It entered into force on 4 November 2016.[11]

5. Regarding other recommendations:

- France does not intend to withdraw its declaration on article 4 of the International Convention on the Elimination of All Forms of Racial Discrimination. Article 4 should not be interpreted as obliging States to promulgate repressive laws incompatible with the freedoms of opinion and expression, peaceful assembly and association (Universal Declaration of Human Rights and article 5 of the Convention). The purpose of the declaration is not to reduce the scope of the obligations provided for by the Convention but only to record France's interpretation of article 4 of the Convention.[12]
- France does not plan to withdraw its declaration on article 27 of the International Covenant on Civil and Political Rights. In accordance with its constitutional principles, France guarantees equal rights to its citizens. Consequently, collective

rights cannot be acknowledged to particular groups, be they "ethnic, religious or linguistic minorities". France also maintains its reservations on articles 9 and 14 of the International Covenant on Civil and Political Rights on the right to an independent and impartial tribunal and the rights to liberty and security.[13]

- France does not intend to ratify the International Convention on the Rights of All Migrant Workers and Members of Their Families. Some of the provisions of the Convention fall within the jurisdiction of the European Union (EU) and Member States no longer have the right to accede to them unilaterally. Nonetheless, the fundamental rights of migrant workers, whatever their situation regarding the right of residence, are already protected by French domestic legislation, EU law, the European Convention on Human Rights and Fundamental Freedoms and the other international human rights instruments to which France is a party.[14]
- While France is unable to ratify the ILO Indigenous and Tribal Peoples Convention, 1989 (No. 169), because of its constitutional system, for the most part it supports and implements the principles therein, respecting its legal framework.[15]
- The ILO Domestic Workers Convention, 2011 (No. 189), in force in only 23 countries,[16] is subject to specific regulation and exemption from ordinary law that conflicts with the principle of equal treatment contained in the Convention and makes ratification impossible in the current state of French law. In France, the system is based on agreements negotiated by the social partners, ensuring a balance between protecting employees and the needs of employers. The ratification process is nonetheless under examination.

6. In 2001, France issued a standing invitation to the special procedures of the Human Rights Council.[17] Each request is prepared with all relevant departments of Government.[18]

III. Promotion and protection of human rights

A. Promotion and strengthening of instruments to combat discrimination

7. Combating discrimination is a government priority. Article 225-1 of the Criminal Code provides that discrimination means any distinction made between physical and legal persons based on their origin, sex, family situation, pregnancy, physical appearance, particular vulnerability resulting from their economic situation that is apparent or known to the perpetrator, their surname, place of residence, state of health, loss of independence, disability, genetic characteristics, customs, sexual orientation, gender identity, age, political opinions, union activities, ability to speak a language other than French, real or supposed belonging or not belonging to an ethnic group or nation, alleged race or particular religion.

8. The French constitutional principles of unity of the French people, indivisibility of the Republic and equality of all citizens before the law without distinction of origin, race or religion prohibit the granting of collective rights to any group defined by community of origin, culture, language or belief.[19] France considers this conception based on the equality of all individuals before the law to be the best guarantee of the rights of everyone. No single body is specifically dedicated to anti-discrimination policy but specific measures are applied by ministries in their respective fields.

9. With the Act on equality and citizenship of 27 January 2017,[20] the Government strengthened its action to bring French people together around the values of the Republic and tackled the obstacles faced by part of the population regarding their living conditions. This Act makes the action of the judicial system in combating racism more effective.[21, 22]

10. The reform of the policy on cities makes combating discrimination a priority for all new city contracts 2015-2020 signed between the State and local authorities.[23] Operational committees to combat racism and anti-Semitism[24] have been set up in 90 departments, including overseas, to implement local policies on victim support and legal assistance, education on critical use of the Internet and fighting against the dissemination of prejudices.

Combating racial discrimination, xenophobia and anti-Semitism

11. In 2015, combating racism and anti-Semitism was declared a "national priority concern". The National Action Plan to Combat Racism and Anti-Semitism 2015-2017[25] contains 40 measures aimed at mobilizing the nation, punishing every racist or anti-Semitic act, protecting victims, training citizens through education and culture and protecting Internet users from the propagation of hatred.[26] It is based, in particular, on training for education staff[27] and specialized teaching resources.[28] It is currently being evaluated. The dedicated national body, the Interministerial Delegation to Combat Racism, Anti-Semitism and Anti-LGBT Hatred (DILCRAH), placed under the authority of the Prime Minister, is currently preparing the 2018-2020 plan by identifying measures likely to strengthen the fight against racism and anti-Semitism.[29] The Interministerial Delegation has many times criticized the distortions of some public discourse and informed the prosecuting authorities of the remarks made by certain elected representatives that it believed might be the subject of prosecution.

12. In accordance with article I of the Constitution,[30] France does not compile statistics on ethnicity. Nonetheless, numerous studies enable the phenomena of racism and discrimination in France to be understood.[31],[32] Furthermore, in the last two years, the ministries of interior and justice, in cooperation with the National Consultative Commission on Human Rights, have begun to improve the quality of their statistical apparatus in order to take stock of the situation more accurately, while respecting the republican context.

13. The dialogue initiated between the authorities and the Consultative Commission for preparation of the annual report on combating racism, anti-Semitism and xenophobia deepened knowledge of these phenomena.

14. The appointment of a contact judge[33] on racism and discrimination in each public prosecutor's office and the Attorney-General's Office strengthens the effectiveness of the fight against racism. Anti-discrimination units work in partnership with the prosecution service.[34]

15. While prosecution offices have dealt with few cases, the judicial system is implementing a proactive policy in order to facilitate the reporting of acts to the judicial authorities and foster the quality of investigations. The response of the criminal justice system is systematic and appropriate, and educational when the personality of the perpetrator and the gravity of the acts so lend themselves. It is also based on the development of partnerships, notably with the Defender of Rights[35] and in the framework of the authorities to prevent offending.[36] The Ministry of Justice has signed agreements with victim support, anti-discrimination and anti-racism associations in order to foster reporting.

16. The fight against online hate speech[37] has led to the adoption of legislation regulating the operation of online public communication services.[38] This has made content providers liable in the event of dissemination of unlawful content. In addition, technical providers[39] have a special duty to contribute to the fight against the dissemination of offences relating to child pornography,[40] the glorification of war crimes and crimes against humanity and incitement to racial hatred.[41],[42] Any failure to do so is subject to prosecution. The courts may also prohibit web hosts and Internet service providers from storing or accessing such content.[43] A national unit to combat hatred on the Internet, the platform to harmonize, analyse, cross-reference and direct reports (Pharos), was established in 2009. It received more than 17,000 reports of hate messages and discrimination in 2016.[44] A working group on fighting hatred on the Internet was set up in 2017.[45]

17. The implementation of the national plan led to wide-ranging mobilization of the authorities and civil society, including through campaigns such as *Débout contre le racisme* in 2015 and *Tous unis contre la haine* in 2016.[46] In order to tackle online hate speech, France is taking part in the Council of Europe No Hate Speech campaign, which targets young people and was launched in 2015.[47] In addition, in 2016 the Government gave fresh impetus to education against racism and anti-Semitism week by involving all the institutions of the Republic and their partners.

18. *As civil society had recorded relatively few complaints*, the Ministry of Interior, in partnership with the Interministerial Delegation to Combat Racism, Anti-Semitism and

Anti-LGBT Hatred, prepared a draft online complaint. There are also regular training and awareness-raising activities about racism, anti-Semitism and hate speech for police officers, gendarmes, judges[48] and senior registrars.

19. Partnerships between the Defender of Rights and the ordinary courts[49] have also been developed and strengthened.[50] Since the beginning of 2017, 26 agreements between prosecutor's offices and the Defender of Rights have been signed.

20. France condemns all ethnic profiling[51] as contrary to the republican principle of equality. When police officers and gendarmes check a person's identity, they may not do so on the basis of any physical characteristic or distinctive sign, unless the check is justified by a specific description.[52] This principle appears in the police and gendarmerie code of ethics.[53] Any check that strays from these rules is punishable by disciplinary measures and the courts.

21. Efforts to combat checks based on racial profiling have intensified: persons who consider themselves victims of such acts have the right to an effective remedy. The highest court, which handed down judgment on 9 November 2016 in 13 appeals concerning checks based on racial profiling, recalled that an identity check conducted on the basis of physical characteristics associated with an actual or presumed origin were discriminatory and rendered the State liable for gross negligence. The State was found guilty of discrimination in 5 of the 13 cases. In addition to taking legal action, it is possible to apply online to the police or gendarmerie inspection department or to apply to the Defender of Rights, an independent administrative authority.

22. The French Government has taken steps to bring the law enforcement agencies closer to the people and tackle such discrimination more effectively: experimental use of body-cameras[54] to calm down checks; since 1 March 2017, there has been trial compulsory video recording of identity checks;[55] law enforcement officers wear a visible identification number;[56] "day-to-day security police" will be introduced at the beginning of 2018; and training on the issues of racism, anti-Semitism and xenophobia for police and gendarmerie staff throughout their careers.[57]

Combating discrimination based on sexual orientation and gender identity

23. With Act No. 2013-404 of 17 May 2013 on marriage for all, France became the ninth European country and the fourteenth worldwide to allow same-sex marriage.[58] This Act opened up new rights for marriage, adoption and inheritance in the name of the principles of equality and shared freedoms. The legislator introduced provisions on adoption of the spouse's previously adopted child and the maintenance of contact with the step-parent in the event of separation. The regulations on transmission of the surname were amended.

24. The Act of 18 November 2016 modernizing the judicial system of the 21st century introduced into the Civil Code a specific and completely unmedicalized procedure whereby adults and minors free of incapacities imposed by minority may request that their sex be amended in the civil status register if they can demonstrate that it does not correspond to the one they live as and are known by.

25. Furthermore, the Act on equality and citizenship[59] substitutes for the concept "sexual identity" that of "gender identity" in order to define the aggravating circumstances of certain offences.

26. Continuing the programme of action presented in 2012, a plan against anti-LGBT hatred and discrimination (2017-2020)[60] was adopted in January 2017 to combat more effectively discrimination based on sexual orientation and gender identity, in particular by financing local and national associations[61] to carry out awareness-raising and training aimed at improving the response of the criminal justice system and specific victim support.

Combating discrimination in education

27. Promoting the fundamental values of the Republic, reducing social and territorial inequalities and promoting success are at the heart of French education policy expressed in the Act on guidance and programming for the renewal of the school of the Republic,[62]

which sets out a common core of skills, knowledge and culture and entered into force at the start of the 2016/17 school year.

28. The new syllabuses on ethics and civics, which came into force in 2015, include preventing discrimination. They seek to instil in pupils a moral conscience, the values of solidarity and their responsibility to combat discrimination more effectively.[63] The training provided and the resources allocated were strengthened in the context of the plan to combat racism and anti-Semitism 2015-2017.

29. A "Great mobilization of schools for the values of the Republic" was launched in 2015 with the establishment of a citizenship education programme[64] that enables pupils to acquire moral and civic judgment, critical thinking skills and a culture of commitment. France is the only European country that has specific civics education throughout schooling. The transmission of the values of the Republic was reaffirmed as a priority at the start of the 2017/18 school year.

30. The fight against harassment at school has been strengthened around four priorities: raise awareness, prevent, train and support.[65] The ministerial mission to prevent and combat violence at school gives the measures further backing.[66, 67]

31. The promotion of equality, social diversity and citizenship learning also take place through non-formal education: collective reception activities for children[68] contribute to citizenship learning. Education in the values of the Republic is a priority mission of sports instructors and teachers. A course called "Values of the Republic and secularism" has been given to those working in the field since 2016.

32. The fifth annual Ministry of Education road map for equality between women and men, published on 8 March 2017, provides for continuation of the Plan of action for equality between girls and boys at school, greater pupil empowerment and strengthened partnerships with civil society.

33. In order to rectify the impact of social and economic inequalities on success at school, two policies are implemented: a social mix in some 40 local authorities, and priority education in the most difficult neighbourhoods. The priority education map was reviewed at the beginning of the 2015/16 school year to make it more accurate.[69] In order to reduce inequalities, priority education places greatest emphasis on the first years of schooling (splitting classes in the first two years of primary school in priority education so that there are only 12 pupils per class), the objective being to achieve 100 per cent success in acquiring basic knowledge at this stage of education. Supplementing this, the fight against school dropout[70] emphasizes preventing dropout, remedial assistance and return to school[71] in partnership with local authorities.

34. The National Education Citizenship Reserve,[72] launched on 12 May 2015, makes volunteers available to give expression to the values of the Republic at school. They work with teachers or in the context of extracurricular activities.

35. Concerned by low enrolment in school in the overseas territories and its consequences for young people's education, France has included in the Real Overseas Equality Act the possibility of experimenting with compulsory education for all children, French and foreign, from the age of 3 years and beyond the age of 16, up to 18 when the young people have neither a job nor a secondary school certificate. This experiment needs to be supported and adapted to the characteristics of the areas concerned by a teacher recruitment policy and intensified school and boarding facility construction.[73]

Combating discrimination in sport

36. The protection of human rights has been a central thread in action taken since the mid-2000s to prevent incivility, violence and discrimination in sport. Means of observing behaviour contrary to respect for others, raising awareness on preventing and fighting incivility, violence and discrimination in sports training and communication[74] tools have been created. The campaign #CoupdeSifflet aims to combat homophobic, sexist and racist discrimination in sport. An Act of 2016 strengthened dialogue with supporters and the fight against hooliganism.[75]

Combating discrimination in employment

37. Combating discrimination in employment and guaranteeing equal access to employment remains a priority of the French authorities,[76] including with regard to gender equality.

38. The Act modernizing the judicial system of the 21st century[77] introduced a "specific group action" on discrimination in the context of labour relations[78] that enables several persons to go to court to obtain both the cessation of the offence and compensation for harm suffered. This mechanism, which provides for a compulsory social dialogue phase before the matter is taken to court, facilitates access to justice by employees and candidates who are victims of discrimination and who, individually, would be reluctant to take their employer to court.

39. The Act of 27 January 2017 on equality and equal citizenship introduced two new provisions aimed at preventing discriminatory practices within companies: it requires companies with more than 300 employees and all those offering recruitment services to provide employees responsible for recruitment with training in non-discrimination in recruitment; in the event of harm suffered following a test (sending pairs of false applications), the employer is liable.[79, 80]

40. With regard to discrimination on grounds of origin, France supported the adoption of the EU Directive on measures facilitating the exercise of rights conferred on workers in the context of freedom of movement for workers, adopted on 16 April 2014[81] and transposed into domestic law by the Act of 18 November 2016,[82] giving an important place to the Defender of Rights.

41. The "diversity label" was created in 2008 to highlight best practices in preventing all forms of discrimination recognized by law with regard to human resources management and social dialogue by both private and public employers. The label has been obtained by 350 bodies employing some 900,000 people.

42. The development of integrated classes preparing for higher education entrance examinations aims to strengthen equality of opportunity and diversity of origin among candidates sitting civil service examinations.[83]

B. Protection of freedom of religion and belief

43. Secularism is the legal principle that guarantees freedom of religion and belief in France. It implies the neutrality of public authorities, freedom of conscience for every individual, pluralism and religious toleration.[84]

44. Since 2015, a training plan for teachers and education staff has been implemented on tackling the questions of French and European citizenship, secularism and combating prejudice and discrimination.[85] The Ministry of Education wants to develop this training, one online module of which ("M*a*gistère") is devoted to secular teaching about religion. Instructions have been given to support staff who face objections.

45. Ethical and civics education syllabuses include study of the Charter on Secularism at School, disseminated in 2013 to all schools. Secularism is also the subject of an historical approach based on the conquest of fundamental rights and among the rules governing life in class and at school.

46. It is not planned to review the Act of 15 March 2004[86] regulating the wearing of signs or clothes indicating religious affiliation in public primary, middle and high schools. This Act, which does not infringe the right to education, protects pupils from all forms of pressure and preserves the status of school as a place of learning away from any tension or claim that could be harmful to the quality of relations between members of the education community.[87] It has been recognized as complying with article 9 of the European Convention on Human Rights.[88]

47. The Secularism Observatory, established in 2013 and placed under the authority of the Prime Minister,[89] brings together representatives of the government departments

concerned and qualified prominent individuals. It helps the Government with implementation of the principle of secularism and encourages training in secularism.

C. Promotion and protection of economic, social and cultural rights

48. France is attached to the principles of universality and indivisibility of human rights and recognizes the interdependence of economic, social and cultural rights with civil and political rights. As a "social Republic",[90] it attaches great importance to their implementation[91] and promotes the welfare of all and the protection of everyone's essential rights, as is shown by the ratification of the Optional Protocol to the International Covenant on Economic, Social and Cultural rights.[92] Since the entry into force of the Protocol on 18 June 2015, French citizens have been able to submit individual or collective communications to the Committee if they consider themselves victims of violations of the rights set out in this Covenant.[93]

49. In the Right to Decent Housing Act,[94] France recognizes the right to decent and independent housing to everyone lawfully and permanently resident in French territory who does not have the means to obtain or maintain themselves in such housing.[95] This right is exercised through a dual remedy: out of court before the departmental mediation commission and then, for people whose application for housing has been acknowledged a priority and urgent, in the administrative court. Once this procedure is complete, an applicant found to be a priority who has not obtained satisfaction may bring a case against the State in order to obtain compensation for the harm suffered.[96]

D. Combating poverty

50. France has adopted a national objective to reduce poverty and social exclusion called Strategy Europe 2020, which takes into account three indicators for 2013-2020 (financial poverty, living conditions and underemployment). This strategy plans to reduce national poverty thresholds by 25 per cent by 2020.[97]

51. The plan against poverty and for social inclusion adopted in January 2013 is entering its final year. The policies on access to employment, health care, education, housing and family assistance now fully include the need to deal with the most vulnerable persons.[98]

52. The increase in the poverty rate observed in France between 2008 and 2012 has been stemmed and progress has been made, including with regard to emergency housing (+30,000 places since 2012) and access to employment by the 450,000 people who signed an assisted contract in 2015.[99]

53. The Act of 24 June 2016 to combat discrimination based on social vulnerability[100] introduced into criminal law a twenty-first criterion of discrimination based on social vulnerability.[101]

54. France is determined to continue its fight against the poverty and exclusion of children, families and young people aged 18 to 25, including by simplifying the procedures for access to rights and social services and putting in place a single payment of benefit. For those furthest from the employment market, improved linkage between social minima policies, integration in the job market and unemployment benefit will simplify procedures and secure the means of return to or remaining in work.[102]

E. Human rights and companies

55. Under the 2017 Act placing a duty of care on parent companies and principal contractors,[103] the companies concerned[104] are required to prevent serious violations of human rights, fundamental freedoms and the health and safety of persons and the environment in the context of their activities and the activities of companies they control, subcontractors and suppliers with which they have an established commercial relationship.[105] The purpose is to make international companies take responsibility in order

to prevent disasters in France and abroad[106] and to obtain compensation for victims in the event of harm either to persons or the environment.[107]

56. In April 2017, France adopted its National Plan of Action for implementation of the United Nations Guiding Principles on Business and Human Rights on the basis of the recommendations issued by the National Consultative Commission on Human Rights[108] and the work of the National Platform for the Social Responsibility of Businesses.[109]

F. Combating trafficking in human beings

57. Since 2012, France has put in place a policy against trafficking in human beings. It has found expression in the strengthening of legislation and the establishment in January 2013 of the Interministerial Mission for the protection of women from violence and combating trafficking in human beings, which is responsible for coordinating national action.

58. In 2014, the first plan of action to combat trafficking in human beings laid the foundations for this policy to combat trafficking in all its forms of exploitation.[110] Specific measures concern sexual exploitation and the trafficking of minors[111] (particularly in order to provide them with specialized assistance and to set out appropriate protection for minors, both perpetrators and victims). The implementation of this plan of action has enabled victims to be more clearly identified as a result of training of those working in the field and teaching aids.[112, 113] A consultation process for the next plan, adopting a cross-cutting approach, was launched in January 2017; a study on the victims of trafficking assisted by the voluntary sector was published in 2017.[114]

59. The Act of 4 August 2014 on genuine equality between women and men provides for automatic renewal for one year of the temporary residence permit of victims of trafficking if they have lodged a complaint or testified in the context of proceedings concerning trafficking and pimping offences.[115]

60. The Act of 13 April 2016[116] strengthens the fight against the prostitution system, organizes a route for leaving prostitution and punishes clients. Means for the investigation and prosecution of trafficking and pimping have been strengthened, along with support for prostituted persons and victim protection.[117]

61. Every year the Ecole Nationale de la Magistrature offers judges sessions devoted to the application of international legal instruments in the field of employment law and on combating trafficking in human beings.

G. Promotion and protection of human rights in places of imprisonment

62. The Government wished to change the paradigm in criminal policy by favouring the use of alternative sentences to deprivation of liberty,[118] reducing the number of short sentences and developing adjusted sentences.[119] For example, the Act of 24 November 2009 favours the principle of sentences served in an open environment and an Act of 15 August 2014 provides many alternatives to imprisonment by establishing "criminal constraint".

63. These tendencies are part of the policy to tackle prison overcrowding, a major preoccupation of the French authorities. A programme to extend and renovate prisons is also in progress.

64. Legislation guarantees freedom of communication between detainees and defenders and prohibits any control of detainees' telephone communications with their lawyers (detainees are provided with the list of lawyers enrolled at the Bar),[120, 121] lays down the principle of individual cells, reaffirms the reintegration mission of the public prison service, broadens the criteria for adjusted sentences and enshrines the principle of maintaining family life.[122] Legislation also recalls the principles of continuity and quality of access to health care, and taking into account the psychological state of detainees.[123, 124]

65. In 2014, the Ministry of Justice embarked upon a policy of improving the educational provision for detained juveniles,[125] the priority being to foster access to

ordinary schooling and vocational education facilities. The ministries of education and justice have redefined their working priorities in order to foster access by juveniles placed under judicial protection to education appropriate to their needs with a view to more successful reintegration.[126] On 7 March 2017, the government departments concerned and the national union of local missions[127] signed a framework agreement on partnership for the social integration and employment of young detainees.[128]

66. The Charter on the rights and freedoms of prisoners,[129] which is applicable in all closed education centres, includes instructions for the respect of rights to family relationships, religious freedom and access to information.[130]

H. Respect of human rights in the context of combating terrorism

67. France is more than ever determined to fight against terrorism, which has hit it hard in recent years, by improving coordination of the intelligence and anti-terrorism services, and strengthening cooperation with its partners, particularly in Europe, developing its legislative and regulatory instruments and adopting a new plan of action against radicalization and terrorism. Combating terrorism also involves French intervention in foreign theatres of operations.[131] These actions take place respecting the international framework of human rights protection and, regarding foreign engagements, the principles of international humanitarian law and other relevant stipulations.

68. As early as 1986, France acquired a specific legal arsenal with specialized courts and legislation based on a permanent search for balance between effectiveness of the fight against terrorism and the preservation of public freedoms, which governed amendments made in response to changing threats.[132] The main recent measures include prohibition on leaving the country,[133] prohibition on entering the country,[134] freezing of assets,[135] blocking Internet sites that glorify terrorism, various intelligence techniques, night-time house searches in terrorist cases, judicial processing of French nationals returning from conflict zones, and enhanced security procedures for access to facilities during major events.

69. The gravity of the attacks of 13 November 2015 justified the imposition of a state of emergency throughout French territory the following day. In view of the very alarming level of the terrorist threat, the state of emergency was extended several times until 1 November 2017.[136] Since 13 November 2015, the legislator has four times amended Act No. 55-385 of 3 April 1955 on the state of emergency in order to define the legal framework of its provisions[137] and strengthen the guarantees afforded to the persons they target. These changes testify to the wish of the French authorities to adapt this system, which is an exception to current standards of protection of fundamental rights characteristic of a democratic and republican State. The state of emergency changes neither the role nor the powers of soldiers (the ability of the Government to establish military courts, the only reference to a military power in this exceptional civilian system, was deleted in 2015).[138]

70. Faced with a threat of rare gravity, France informed the Secretary-General of the United Nations and the Secretary General of the Council of Europe that it intended to avail itself of exemptions from the International Covenant on Civil and Political Rights and the European Convention on Human Rights. Notification is sent systematically each time the state of emergency is extended. Relying upon the exemption clauses does not in any way mean that France has disengaged from its international obligations regarding human rights, but that it respects them according to particular procedures in an exceptional situation for which provision is made in these instruments.

71. The provisions on prevention of or fighting terrorism are subject to review by the courts, actions taken in this field regularly being brought before them. The Constitutional Council has ruled many times on their compliance with fundamental rights, finding against some of them in recent years.[139] In particular, on the occasion of the seven priority questions of constitutionality, it examined the compliance of the most important provisions of the state of emergency with the French Constitution and fundamental rights.[140] Two further priority questions of constitutionality are currently under examination by the Constitutional Council.[141]

72. The deployment of military forces on national territory has a deterrent effect, reassures and protects the people, helps surveillance missions and supports the police and gendarmerie. The action of the Ministry of the Armies — supplementing that of the internal security forces — strictly respects human rights. The soldiers deployed on national territory[142] are permitted to use their weapons only in cases of absolute necessity and in a strictly proportionate manner in five cases exhaustively enumerated and precisely described in law.

73. On 9 May 2016, France adopted a strengthened interministerial plan of action against radicalization and terrorism, which aims to detect paths of radicalization and terrorist channels as soon as possible, keep under observation, hamper and neutralize the latter, combat terrorism in its international networks and its sanctuaries, etc.[143]

74. With regard to combating radicalism in schools, the Ministry of Education is strengthening the prevention and monitoring plan and continuing the monitoring plan for non-contractual private education and home education.

75. The Head of State has committed to ending this exceptional system on 1 November 2017.[144] A bill strengthening internal security and combating terrorism currently under examination by Parliament, should be adopted soon. The planned provisions to amend legislation and adapt the means available to the security and intelligence services will provide guarantees to ensure respect of rights and freedoms.[145]

I. Respect of human rights by the security forces

76. A common police and gendarmerie code of ethics[146] is given to all police officers and gendarmes when they enter the service. It stipulates that: "ethical rules … define the duties incumbent upon police officers and gendarmes in the fulfilment of their internal security missions during or outside the service and … are the subject of initial and ongoing training given to police officers and gendarmes to enable them to carry out their duties in an irreproachable manner".[147]

77. In order to unify the rules applicable to all members of the security forces and to strengthen the efficacy of the mobilization of the law enforcement agencies, the Act of 28 February 2017 on security allows units of the gendarmerie and the national police to be given intermediate weapons.[148] These non-lethal weapons enable a graduated and proportionate response to a dangerous situation when the legitimate use of force proves necessary. Their use is subject to strict conditions of necessity and proportionality. It is also subject to specific training and rigorous controls.[149]

78. While cases of police violence have been reported, France has institutions and procedures to guarantee a right to an effective remedy to persons who consider themselves victims of such acts and is careful not to leave unpunished proven cases of excessive use of force. There are several remedies: lodging a complaint against the officer;[150] referring the matter to the prosecution services; referring it to the Defender of Rights, to whom matters may be referred by anyone considering themselves a victim of a breach of professional ethics.[151] In addition to the usual recourse to a lawyer, citizens may go to the access-to-law bodies[152] providing specialized advice and assistance in judicial proceedings. Lastly, the matter may be taken to an international body: the French State is answerable to the special rapporteurs and committees of the United Nations and the Council of Europe for the action of its law enforcement agencies.

79. An officer suspected of excessive use of force can be the subject of administrative and judicial investigations.[153] The official administrative superior and the inspection bodies of the police and gendarmerie exercise control over the use of force and punish inappropriate use.[154] An administrative investigation is conducted systematically, and there is a judicial investigation if the shots of a police officer or gendarme have wounded or killed. In 2015, 2,113 disciplinary measures were ordered against police officers, 35 of which concerned punishment for breaches of the duty to respect the dignity of the person or the duty to protect a person stopped and questioned, or the disproportionate use of force or

constraint. In the same year, 13 disciplinary measures were ordered against gendarmes for unlawful acts of violence.[155]

J. Promotion and protection of human rights in overseas departments, regions and territories

84. The Real Equality Overseas Act of 28 February 2017[156] aims to reduce the inequalities between overseas territories and metropolitan France, taking into account the specific characteristics of each territory. It constitutes a major advance, aligning social benefits with national standards, fighting high living costs, building 150,000 homes, and compensating all victims of nuclear tests in French Polynesia.

85. The compulsory schooling experiment is covered in paragraph 35 of this report.[157]

86. On 25 May 2016, the Overseas Health Strategy was set out. It sets the common priorities and objectives of the overseas territories and is accompanied by a road map for each territory. It responds to the specific health challenges of, and seeks to reduce the significant current gaps between those territories and metropolitan France.

87. One of the objectives of the overseas housing plan 2015-2020 and its local versions is to tackle housing unfit for human habitation. Guidelines on this challenge were distributed in June 2016.

88. As in metropolitan France, the protection and promotion of women's rights is a major government concern. Each overseas prefecture has a women's rights officer[159] responsible for implementing the policy on equality between women and men.[160]

89. France takes into account the aspirations of indigenous peoples, respecting the constitutional principle of equality between citizens.[161] In consultation with representatives of local authorities, it has adopted cultural, economic and social measures that fall within the spirit of the United Nations Declaration on the Rights of Indigenous Peoples. Moreover the Real Equality Overseas Act has transformed the Consultative Council of American Indian and Bushinengue Peoples into a Grand Customary Council.

90. Since 2015, the month of memories of slavery and struggles for equality has been celebrated. On 10 May 2016, the Head of State announced the establishment of a Foundation for the Memory of Slavery and Trafficking and their Abolition.[162]

IV. Promotion and protection of the human rights of people belonging to particular groups

A. Promotion and protection of women's rights

Promotion and protection of equality between the sexes

91. Since 2008, article 1 of the Constitution has stipulated that "the law shall foster equal access of women and men to elected office and positions and to professional and social responsibilities".

92. The powers of the Higher Council on Professional Equality between Women and Men, established in 1983, were considerably extended in 2013.[163] To supplement its action, a High Council for Equality between Women and Men was established on 3 January 2013.[164] Placed under the authority of the Prime Minister, its mission is to stimulate public debate on major aspects of equality policy.[165]

93. The Act of 4 August 2014 on genuine equality between women and men[166] aims to improve their daily lives,[167] advance their rights and change mentalities.[168] It encourages fathers to take paternity leave, requires businesses to respect equality at work, protects single mothers from unpaid maintenance and extends the principle of parity to all areas of responsibility.

90. The Act of 8 August 2016 on employment, modernization of social dialogue and secure career progression[109] prohibits any sexist behaviour in companies. This prohibition must appear in the internal regulations of companies.

91. Defending women's rights, promoting equality between women and men and combating gender violence are also major priorities of French foreign policy. France supports the women, peace and security agenda of the United Nations Security Council and is currently implementing its second national plan of action (2015-2018). Since 2006, it has sponsored a biennial resolution of the United Nations General Assembly on intensifying efforts to eliminate all forms of violence against women. In line with its gender and development strategy, France places the principle of equality between women and men at the heart of all its development programmes.

Equality in employment, the civil service and political life

92. Several mechanisms have fostered equal access by women and men to professional responsibilities. An increase in the number of women in positions of authority has been observed since the adoption of the Copé-Zimmermann Act of 2011,[110] the Sauvadet Act of 2012[111] and the 2014 Act on genuine equality between women and men.[112] In the public sector, from 2017, first appointments to executive managerial posts in the three sectors of the civil service[113] are required to be at least 40 per cent male and 40 per cent female. If this is not respected, there will be a financial penalty of €90,000 per missing appointment.[114]

93. The Observatory on the societal responsibility of business[115] has published several guides on professional equality between women and men, making practical recommendations to advance more speedily towards real equality between the sexes.[116]

94. In February 2016, the High Council for Equality between Women and Men published a report on parity at work, which highlighted the increase in the proportion of women in managerial roles in companies. Women account for 28 per cent of board members of companies listed on the stock exchange.[117, 118]

95. From 1 January 2017, the Act of 4 August 2014 on genuine equality between women and men doubled the penalties for political parties that do not respect parity for legislative elections.[119]

96. The Decree of 27 March 2015 on equal access of women and men to consultative and decision-making commissions and authorities imposed parity on State authorities.[120] In addition, since March 2015, departmental councils must be 50 per cent female: this has brought about a fourfold increase in the number of female departmental councillors.[121, 122] At the communal, intercommunal, departmental and regional levels the proportion of women is on average 40 per cent.[123]

97. Recruitment juries for the competitive civil service examinations are required to be formed of equal numbers of men and women[124] in order to guarantee fair assessment of candidates.

Combating violence against women

98. Combating violence against women is a constant priority. The mechanism to prevent and punish acts of violence against women and to protect victims has been strengthened to ensure a systematic and appropriate response by the criminal justice systems and victim support, including under the aforementioned Act on genuine equality between women and men.[125]

99. The Interministerial Mission for the protection of women from violence and combating trafficking in human beings[126] has two main missions: to develop a national training plan on such violence, and to gather, analyse and disseminate information and data relating to it.[127]

100. A proactive criminal policy is implemented to combat violence against women. The designation in each prosecutor's office of a contact judge for domestic violence ensures careful treatment of reports of people at risk of domestic violence. Each court is required to develop a "court policy" so that all judicial stakeholders have full information about the

situation of the perpetrator of violence, the victim, the family make-up and any possibilities of eviction. In addition, the 24/7 telephone line "*grave danger*" enables victims to contact an operator who is able to trigger immediate intervention by the police.[98]

101. The fourth interministerial plan to prevent and combat violence against women (2014-2016) sought, in particular, to improve detection of violence and victim support. The fifth plan (2017-2019) has three objectives: to secure and strengthen the mechanisms that have proved effective in order to improve processes for women victims of violence and to ensure access to their rights; to strengthen public action where needs are greatest;[99] and to uproot violence by combating sexism, which trivializes the violence and rape culture.

102. In 2015, the first national women, peace, security (2010-2013) plan of action was renewed for 2015-2018. The objectives of the second plan can be broken down into five pillars dealing with women and armed conflict.[100] The plan is evaluated regularly in consultation with the National Consultative Commission on Human Rights and the High Council for Equality between Women and Men.

B. Promotion and protection of children's rights

The rights of the child

103. France has a comprehensive policy on the complete development of the child, along with the protection of childhood, education, youth, support for parenthood and family policy.

104. The first interministerial plan on mobilizing against and fighting violence against children, launched on 1 March 2017,[101] seeks to raise public awareness and propose practical solutions to curb all forms of violence in the family.[102] It details and makes consistent the provisions of the child protection road map 2015-2017.[103] [104]

105. In 2016, the minister of families, childhood and women's rights supported the proposed amendment designed to specify the scope of parental responsibility, prohibiting "all cruel, degrading or humiliating treatment including any use of physical violence". This provision was adopted by Parliament but disallowed by the Constitutional Council for procedural reasons.[105] The Act of 14 March 2016 on child protection[106] seeks to guarantee that the fundamental needs of children are taken into account, support their physical, affective, intellectual and social development, and protect their health, security, morality and education, respecting their rights.[107]

106. The purpose of the National Child Protection Council established in 2016[108] is to improve the governance of child protection and serve as the authority steering interministerial and decentralized child protection policy.[109]

107. The National Child Protection Observatory, which promotes a common culture of child protection among all stakeholders, was strengthened by the Act of 14 March 2016.

108. The memorandum of 19 April 2017 on judicial child protection reintroduced a process to foster the development of children and encourage cross-cutting work by those involved in child protection.

109. The national action plan for the reception and schooling of refugee and migrant children uses the inspectorates and the academic centres for the schooling of newly arrived, non-native speakers of French and children from itinerant and travelling families to guarantee the reception and assistance of all such children, paying particular attention to at-risk situations.[110]

Protection of unaccompanied minors

110. France has a system for the protection of unaccompanied minors in its territory, regardless of their nationality and legal situation.[111] The law of 14 March 2016 on child protection provides a legislative basis for the system of distributing unaccompanied minors in order to guarantee them the same rights as all other children in the country. This Act also strictly regulates the use of bone tests, introduces a presumption of minority and prohibits

certain medical examinations likely to violate human dignity. An Order of 17 November 2016[207] established a reference system that seeks to harmonize practices for assessing age and isolation, guaranteeing attention to trafficking in human beings.

111. Departmental councils set up emergency temporary accommodation for persons who present themselves as unaccompanied minors[208] and assess their minority and isolation.[209] The Ministry of Justice is training assessors to harmonize assessments throughout the country.[210]

112. Some areas receive large numbers of persons describing themselves as unaccompanied minors. This is true of Calais, where the State has put in place exceptional emergency arrangements for them. These arrangements enable them speedily to be given shelter through the establishment of juvenile reception and guidance centres.[211]

113. The Act of 7 March 2016 on foreigners[212] enshrined the principle that a foreign national who is the subject of an exclusion order and is accompanied by one or more minors must enjoy measures other than administrative detention. Detention of foreign minors who accompany their parents is therefore only possible in exceptional circumstances,[213] systematically taking into account the overriding interest of the child.[214]

C. Promotion and protection of the rights of persons with disabilities

114. France pays particular attention to respect of the rights of persons with disabilities. It submitted its initial report on implementation of the Convention to the Committee on the Rights of Persons with Disabilities in May 2016. Two million persons with severe disabilities are registered as having a disability.

115. Policies to assist autonomy combine a strategy of general access to ordinary law mechanisms with a compensation strategy that aims to reduce and overcome functional incapacities. Three major areas of public action are involved: normative regulation, the financing of benefits that guarantee a minimum level of resources to persons with disabilities who are unable to derive sufficient income from their work or who incur expense to compensate for their restricted autonomy, and the financing and availability of medical and social establishments and services to assist them.[215]

116. The provision of assistance also takes place through several specific plans (the annual disability plan, the plan for the deaf and hard of hearing, the psychiatry and mental health plan and the autism plan, the third of which covers the period 2013-2017). In order to facilitate the schooling of pupils with disabilities, the Government is improving assistance to families,[216] developing inclusion[217] and supporting digital education.[218]

117. The Act of 8 July 2013 on guidance and programming for the renewal of the school of the Republic[219] introduced into French legislation the concept of the inclusive school, which has allowed major advances to be made in the schooling policy for pupils with disabilities.[220] The new Government has made this a priority through a strengthened partnership between specialized bodies and schools, improved staffing, assisting families and developing training and digital education at the service of inclusion.

118. The National Disability Conference of 11 December 2014 outlined the major policy lines: improve access to training for persons with disabilities, organize continuing assistance into and in work, prevent employment dropout, and encourage the conclusion of company agreements with the objective of a threefold increase in three years. The fourth National Disability Conference, held on 19 May 2016, strengthened the security of careers by introducing into the law assisted employment and promoting bringing together in a single operator the tasks of job placement and maintenance in work.[221] On the occasion of the Interministerial Disability Committee of 2 December 2016, the Government committed to improving medical and social provision.[222]

119. As in the private sector, every public employer with 20 or more full-time officers or their equivalent is required to employ, full-time or part-time, persons with disabilities, so that they make up 6 per cent of all paid officers.[223, 224]

D. Protection of rights in the context of immigration and asylum

120. Two Acts have been adopted since the last review of France. The Act reforming asylum[221] strengthened the rights of asylum seekers and improved the efficiency and speed of procedures through fully suspensive appeal to the courts against decisions to deny asylum taken in the context of accelerated procedures,[222] and special provisions on reception and procedural guarantees for vulnerable persons. The Act on foreigners[223] has strengthened integration and the rights of persons deprived of their liberty by putting in place an integration process and making the multi-year residence permit universal; it has also strengthened judicial oversight of placement in detention and laid down the principle of priority being given to alternatives to detention of families.

121. France guarantees everyone access to health care. Asylum seekers enjoy immediate access to ordinary services.[224] Undocumented foreigners and the members of their families enjoy State medical aid.

122. The reception of new arrivals is the responsibility of the French immigration and integration office. New arrivals can then access different types of assistance put in place by the regional and departmental prefects. The objective is that as soon as possible they can benefit from all ordinary policies.[225]

123. The interministerial memorandum of 21 December 2016 on the employment of persons enjoying international protection[226] facilitates such persons' access to employment. It recommends appropriate careers according to profiles and needs.

124. Legal foreign workers have access to vocational training[227, 228] and the public employment service.[229] On 24 November 2016, a framework agreement was signed between the French Immigration and Integration Office[230] (OFII) and Pôle Emploi (the French Government employment office) for three years in order to respond to the needs of newly arrived foreigners, including refugees, and to assist their integration in work.[231, 232]

E. Inclusion of the Roma

125. Taking into account its constitutional framework, France distinguishes between itinerant or semi-itinerant travellers (350,000 to 400,000 persons), most of whom have French nationality, who enjoy specific policies to assist their mobility, and, migrant communities living in camps, whatever their nationality (about 16,000 persons). The inhabitants of such camps are for the most part Romanian or Bulgarian citizens enjoying freedom of movement in the European Union in conditions set out in Directive 2004/38.

126. Regarding travellers, the Equality and Citizenship Act of 27 January 2017 brought a major advance by repealing the specific statutory regime of the 1969 Act, which required them to be attached to a municipality and hold a movement licence that had to be stamped every three months. It also promotes diversification of the supply of accommodation for them.[233]

127. The commitment of the authorities is also manifest in the President's recognition, on 29 October 2016, of the responsibility of the French State for the internment of nomadic peoples in France between 1940 and 1946.

128. The Government has renewed interministerial coordination and the partnership with representative associations by reforming the National Consultative Commission for Travellers, the role of which in steering public policy has been strengthened.[234, 235]

129. With regard to those living in shanty towns and illegal camps, French policy falls within the scope of operations to anticipate and assist in the dismantling of such camps. These operations were defined in the interministerial memorandum of 26 August 2012, reconcile public order with the necessary respect of human rights[236] and make provision for effective access of persons living in shanty towns and camps to housing, health, employment and schooling.

130. The scale of the response implemented depends on the degree of urgency of evacuation, local partnerships and available resources, especially in terms of

accommodation. When the conditions are right, long-term solutions are found, as in Strasbourg, where, between 2012 and 2017, almost all the sites (300 persons) were closed, and in Toulouse, which has developed a strategy of site-by-site absorption and dealt with 931 persons since 2012. Faced with emergency situations and imminent personal danger or in more tense areas, short-term responses are sought on the basis of a social analysis and with proposals for shelter. Since 2012, the State has supported actions to absorb camps through an annual allocated budget (€4 million in 2013 and 2014, €3 million since 2015). Between 2012 and 2016, these actions enabled 9,000 people to access housing or lodging, 1,700 people to access employment and some 5,800 children to go to school.

V. Relations with civil society

131. Dialogue with civil society is a government priority. The National Consultative Commission on Human Rights, which is completely independent, advises and makes proposals to Government and Parliament on human rights. Since 2008, it has been systematically consulted about national reports submitted to treaty bodies.[137] It has also been directly involved in this report from the outset.

132. The Economic, Social and Environmental Council also advises the Government and participates in developing policies in its areas of competence. It may be consulted by Parliament and petitioned by citizens.

133. On 17 March 2017, the Ministry of Foreign Affairs issued a political orientation document on partnership between the Ministry and civil society, which underscored the areas of expertise of civil society organizations and their great mobilizing capacity, and the potential for complementing State action for international development and solidarity. It was prepared with the support of the National Council on International Development and Solidarity and illustrates the positive momentum and essential nature of partnership with civil society organizations, with which the Government is in constant dialogue.

Notes

[1] Deux reunions interministerielles ont ete organisees avec cette derniere

[2] Decret n° 2015-148 du 10 février 2015 portant publication de la convention du Conseil de l'Europe sur la prevention et la lutte contre la violence à l'egard des femmes et la violence domestique signee à Istanbul le 11 mai 2011

[3] **Recommandations 120.32; 120.34; 120.115.**

[4] **Recommandations 120.2 et 120.50.**

[5] Decret n° 2015-738 du 25 juin 2015 portant publication du protocole facultatif se rapportant au Pacte international relatif aux droits economiques, sociaux et culturels, signe à New York le 11 decembre 2012

[6] Décret n°2016-500 du 22 avril 2016 portant publication du protocole facultatif à la convention relative aux droits de l'enfant établissant une procédure de présentation de communications, adopte à New York le 19 décembre 2011, signé par la France le 20 novembre 2014

[7] **Recommandations 120.17, 120.18, 120.19.**

[8] Loi n° 2016-372 du 30 mars 2016 autorisant la ratification du protocole relatif à la convention n° 29 de l'OIT sur le travail force (1930)

[9] La France a ratifié 127 Conventions

[10] En prenant en compte les defis que le dereglement climatique pose specifiquement pour les femmes

[11] Decret n°2016-1504 du 8 novembre 2016 portant publication de l'accord de Paris adopte le 12 decembre 2015, signe par la France à New York le 22 avril 2016

[12] **Recommandations 120.5 et 120.136.**

[13] Les regles gouvernant le regime disciplinaire des membres des forces armees justifient le maintien de ces reserves

[14] **Recommandations 120.1; 120.6; 120.7; 120.8; 120.9; 120.10; 120.11; 120.12; 120.13; 120.14; 120.15; 120.16, 120.162.**

[15] **Recommandation 120.20.**

[16] **Recommandation 120.21.**

[17] Expert independant charge d'examiner la question des obligations relatives aux droits de l'homme se rapportant aux moyens de beneficier d'un environnement sûr, propre, sain et durable (20 octobre 2014

au 24 octobre 2014); Rapporteur spécial sur les droits des personnes handicapées (3 au 17 octobre 2017); Rapporteur spécial sur le droit à la vie privée pour le dernier trimestre 2017.

[9] **Recommandation 120.55.**

[10] Ces principes sont réaffirmés avec constance tant par le Conseil d'Etat que par le Conseil constitutionnel.

[11] Loi n° 2017-86 du 27 janvier 2017 relative à l'égalité et à la citoyenneté.

[12] Cette loi, qui modifie le code pénal, le code de procédure pénale et la loi du 29 juillet 1881 sur la liberté de la presse, tend principalement à généraliser les circonstances aggravantes de racisme et d'homophobie et créer une circonstance aggravante générale de racisme, améliorer et faciliter la répression des provocations, diffamations et injures à caractère raciste ou discriminatoire prévues par la loi du 29 juillet 1881 sur la liberté de la presse, étendre la répression de l'apologie et la contestation des crimes contre l'humanité prévue par cette même loi, améliorer la répression du bizutage et des comportements discriminatoires pouvant en résulter. La loi égalité et citoyenneté a également augmenté la peine pour injures racistes ou discriminatoires (6 mois et 22 500 euros) pour la rapprocher de celle pour provocations et diffamations racistes ou discriminatoires (1 an et 45 000 euros).

[13] **Recommandations 120.38; 120.72; 120.73; 120.77; 120.81; 120.86; 120.87; 120.132; 120.134.**

[14] Ces contrats sont associés à des outils d'analyse des besoins, des offres de formation et une prestation «accompagnement à la mise en œuvre pour les territoires».

[15] Réunissant les représentants de l'Etat, des collectivités locales et de la société civile.

[16] **Recommandations 120.32; 120.34; 120.38; 120.49; 120.62-63-64; 120.69; 120.70; 120.75; 120.77; 120.78; 120.81; 120.84; 120.133.**

[17] **Recommandations 120.62-63-64; 120.66; 120.68; 120.69; 120.70; 120.74; 120.76; 120.78; 120.79; 120.80; 120.82; 120.83; 120.86; 120.87.**

[18] La formation initiale assurée par les Ecoles supérieures du professorat et de l'éducation (ESPE) comprend un « enseignement à la laïcité, à la lutte contre les discriminations et à la culture de l'égalité entre les femmes et les hommes », qui représente un volume horaire de 12 heures pour le plupart de ces ESPE. Concernant la formation continue, des séminaires pour les cadres et les formateurs permettent d'enrichir et d'actualiser les savoirs et pratiques sur les valeurs de la République et la lutte contre les discriminations.

[19] Notamment la plateforme Canopé «Eduquer contre le racisme et l'antisémitisme». Le site eduscol propose également des ressources spécifiquement consacrées à la lutte contre les discriminations, le racisme, l'antisémitisme et les préjugés.

[20] Développement de sanctions et de mesures pédagogiques, de la lutte contre les contenus de haine sur Internet, de l'analyse et de la prise en compte des préjugés racistes, antisémites, notamment par les services de police et l'institution judiciaire, du développement d'une aide aux victimes adaptée, des nouveaux partenariats à établir avec les associations, les lieux de mémoire, ou des actions d'éducation, de formation, et de sensibilisation à l'égard de nouveaux publics.

[21] Aux termes duquel la République "assure l'égalité devant la loi de tous les citoyens sans distinction d'origine, de race ou de religion".

[22] Enquête "Cadre de vie et sécurité" de l'observatoire national de la délinquance et des réponses pénales, enquête annuelle de la CNCDH sur l'état et l'évolution des préjugés et opinions racistes en France, ou encore enquête "Trajectoires et origine».

[23] **Recommandation 120.48.**

[24] Ce magistrat conduit la politique pénale dans ce domaine et constitue l'interlocuteur privilégié des enquêteurs, des partenaires extérieurs et de l'administration centrale.

[25] Pôle rassemblant autour du magistrat référent les acteurs locaux essentiels dans la lutte contre le racisme : services d'enquête, associations, représentants des autres administrations, élus et délégué du Défenseur des droits.

[26] Autorité administrative indépendante.

[27] Dont les comités opérationnels de lutte contre le racisme et les discriminations (COLRA).

[28] **Recommandation 120.73.**

[29] Loi sur la communication audiovisuelle du 29 juillet 1982 puis loi pour la confiance dans l'économie numérique du 21 juin 2004.

[30] Soumettre par ailleurs de toute obligation générale de surveillance et de recherche d'activités illicites.

[31] **Recommandation 120.128.**

[32] Article 6-I-7 de la LCEN (Loi pour la Confiance dans l'Economie Numérique).

[33] A cette fin, ils doivent mettre en place un dispositif permettant à toute personne de porter à leur connaissance ce type de données et informer promptement les autorités publiques compétentes de toute activité illicite portée à leur connaissance.

[34] Les prestataires ont l'obligation de déférer aux décisions de justice destinées à faire cesser ou à prévenir un dommage (6 I 8 de la loi de 2004). Les articles 6 I-2 et 6 I-3 prévoient que la responsabilité civile ou pénale de l'hébergeur peut être engagée dans l'hypothèse où il a effectivement

connaissance de l'information illicite diffusée et qu'il n'agit pas promptement pour la retirer ou la rendre inaccessible.

[44] **Recommandation 120.73.**

[45] Le «groupe de contact sur les contenus de haine sur internet», copiloté par la Délégation à la lutte contre le racisme, l'antisémitisme, et la haine anti-Lgbt (DILCRAH), et la Délégation ministérielle aux industries de sécurité et aux cybermenaces (DMISC) a été mis en place en mars 2017 afin d'assurer une meilleure exécution des réquisitions judiciaires aux fins d'identification, une plus large diffusion sur internet des décisions judiciaires, la mise à disposition de la justice par les plateformes des contenus de haine effacés, le développement des signalements aux parquets, et ainsi que l'amélioration du traitement des signalements aux fins de suppression des contenus de haine.

[46] **Recommandation 120.133.**

[47] https://edoc.coe.int/fr/ressources-en-ligne/5746-mouvement-contre-le-discours-de-haine.html

[48] Une formation *« Le racisme et l'antisémitisme : enjeux contemporains »* et une formation *« Justice et discours de haine »* qui permet d'aborder, par le biais de conférences et d'échanges, la question de la répression des «discours de haine» au regard du développement des nouveaux moyens de communication, notamment internet.

[49] Dans le prolongement des dépêches du 11 juin 2014 et du 5 mars 2015 concernant la signature des protocoles de coopération entre le Défenseur des droits et le ministère public, une nouvelle dépêche a été diffusée le 25 novembre 2016 concernant les relations du Défenseur des droits avec les juridictions de l'ordre judiciaire. Ainsi, la signature de conventions avec le Défenseur des droits s'est intensifiée sur l'ensemble du territoire. Depuis le début de l'année 2017, le nombre de conventions ou protocoles entre les parquets généraux et le Défenseur des droits est porté à 26. **Recommandation 120.64.**

[50] **Recommandations 120.32; 120.33; 120.34; 120.36.**

[51] **Recommandations 120.98; 120.99; 120.100; 120.101.**

[52] Le Conseil constitutionnel, dans sa décision n° 93-325 du 13 août 1993 a très fermement précisé que la mise en œuvre des vérifications d'identité devait s'opérer «en se fondant exclusivement sur des critères objectifs et en excluant dans le strict respect des principes et règles de valeur constitutionnelle, toute discrimination de quelque nature qu'elle soit entre les personnes».

[53] Article R. 434-16 du code de la sécurité intérieure.

[54] Cadre légal de ce dispositif précisé par la loi n° 2016-731 du 3 juin 2016 et le décret n° 2016-1860 du 23 décembre 2016.

[55] Une évaluation sera conduite à l'issue de l'année d'expérimentation.

[56] Article R. 434-15 du code de la sécurité intérieure. Ce numéro d'identification est visible par le public sur l'uniforme, ou sur le brassard pour les agents intervenant en civil. Cf. arrêté du 24 décembre 2013 relatif aux conditions et modalités de port du numéro d'identification individuel par les fonctionnaires de la police nationale, les adjoints de sécurité et les réservistes de la police nationale.

[57] Formations à la déontologie dont les règles sont codifiées au code de la sécurité intérieure (Livre IV, Titre 3, Chapitre 4, Articles R.434-2 et suivants – code de déontologie de la police nationale et de la gendarmerie nationale). Par ailleurs, tous les personnels, quel que soit leur corps ou leur grade, sont concernés. Des intervenants institutionnels, comme le Défenseur des droits, ou des associations, comme la Ligue internationale contre le racisme et l'antisémitisme (LICRA) ou l'association «FLAG !», engagées dans la lutte contre les discriminations, interviennent dans certaines de ces formations.

[58] En 2014, les mariages de couples de même sexe ont représenté 4% du total des unions.

[59] Ce plan fera l'objet le moment venu d'une évaluation par la CNCDH.

[60] Ce plan fera l'objet le moment venu d'une évaluation par la CNCDH.

[61] Un appel à projets locaux de 1,5 million d'euros a été lancé en janvier 2017 pour le développement des politiques de lutte contre la haine anti-LGBT. La DILCRAH soutiendra ainsi, en 2017, 226 projets de 170 structures associatives sur l'ensemble du territoire national.

[62] Loi n° 2013-595 du 8 juillet 2013 d'orientation et de programmation pour la refondation de l'école de la République.

[63] **Recommandations 120.71; 120.140.**

[64] Il fait l'objet d'une circulaire, publiée le 23 juin 2016, qui en précise les grands objectifs ainsi que les modalités de mise en œuvre.

[65] L'ensemble des outils sont sur le site «*Non au harcèlement*» http://www.nonauharcelement.education.gouv.fr.

[66] Élargissement de l'amplitude horaire du numéro vert 30 20, 300 référents harcèlement aux niveaux départementaux et académiques, journée nationale et prix « non au harcèlement », enquêtes locales climat scolaire pour établir un diagnostic, ambassadeurs-rices lycéens contre le harcèlement, formation des personnels.

[67] Les mesures de la violence en milieu scolaire et de l'absentéisme des élèves dans les établissements permettent d'apprécier la qualité du climat scolaire, évalué dans le second degré, au niveau national,

par le biais d'enquêtes auprès des chefs d'établissements et d'applications informatiques. L'enquête annuelle Sivis (système d'information et de vigilance sur la sécurité scolaire) et l'enquête de victimisation, menée tous les deux ans, permettent de documenter ces phénomènes.

[68] Séjours de vacances et accueils de loisirs péri et extra-scolaires notamment.

[69] En distinguant des réseaux renforcés (364 REP+) et d'autres réseaux (731 REP), un réseau comprenant un collège et les écoles d'où viennent ses élèves.

[70] Elle s'inscrit dans le cadre de la stratégie Europe 2020 et a permis à la France d'abaisser le taux de jeunes hors de tout système de formation et sans diplôme à 8,8% en 2016, en dessous de l'objectif des 10% qui devait être atteint en 2010 (source Eurostat).

[71] http://eduscol.education.fr/pid23269/lutte-contre-le-decrochage-scolaire.html.

[72] http://eduscol.education.fr/cid88793/reserve-citoyenne-de-l-education-nationale.html.

[73] En particulier là où il existe un déficit des structures d'accueil, à Mayotte et en Guyane dans les territoires isolés.

[74] Cf. http://www.sports.gouv.fr/prevention/incivilites-violences/ et http://www.semc.sports.gouv.fr/ethique-et-valeurs/.

[75] Loi n°2016-564 du 10 mai 2016 renforçant le dialogue avec les supporters et la lutte contre le hooliganisme. Une des dispositions a consisté à la mise en place, au sein du ministère des sports, d'une Instance nationale du supportérisme associant tous les acteurs du supportérisme en France. Les travaux en cours visent à instaurer des droits et devoirs des supporters dans un souci de prévention des incivilités et discriminations dans les manifestations sportives. Dans la continuité le ministère s'emploie à ce que la loi n°2006-1294 du 23 octobre 2006 portant diverses dispositions relatives aux arbitres soit connue et appliquée par l'ensemble des acteurs concernés.

[76] **Recommandations 120.40; 120.46; 120.88; 120.90–91-92; 120.153.**

[77] Loi n° 2016-1547 du 18 novembre 2016 de modernisation de la justice du XXIe siècle.

[78] La loi prévoit un dispositif dit «socle» destiné à fournir un cadre juridique général et des déclinaisons par matière.

[79] Et ce quand bien même le candidat n'avait pas l'intention d'occuper le poste auquel il a postulé.

[80] Par ailleurs, la loi supprime des conditions de nationalité pour les personnes qui souhaitent ouvrir un café, un débit de boisson et pour les fonctions de direction d'une entreprise de pompes funèbres. Elle étend cette dispense aux détenteurs du diplôme d'Etat de chirurgien-dentiste. Elle prévoit également la remise des rapports au Parlement sur, d'une part, la possibilité de lever la condition de nationalité empêchant les étrangers non européens d'accéder au statut d'agent ou cadre de la SNCF et, d'autre part, sur les conditions d'emploi des étrangers extra-communautaires dans la fonction publique.

[81] Ce texte invite les Etats membres de l'Union européenne à mettre en place une autorité indépendante en charge de la lutte contre les discriminations faites sur le motif de l'origine. En France, cette mission est confiée au Défenseur des droits depuis la loi constitutionnelle du 23 juillet 2008.

[82] Le code du travail comme le code pénal dote les victimes de discrimination ainsi que les organismes qui les représentent des outils judiciaires nécessaires à la répression effective de ces agissements.

[83] Les CPI (classes préparatoires intégrées) ont pour objet d'aider des étudiants ou des demandeurs d'emploi, de condition modeste, à préparer les concours externes (étendues à la 3ème voie pour le concours des IRA (instituts régionaux d'administration)) de la fonction publique en leur apportant un soutien pédagogique renforcé, un appui financier et la compétence d'un tuteur.

[84] L'article 1er de la Constitution, qui consacre le principe de laïcité, précise que la République *«assure l'égalité devant la loi de tous les citoyens sans distinction d'origine, de race ou de religion. Elle respecte toutes les croyances»*. La liberté de religion ou de conviction est également consacrée par l'article 10 de la Déclaration des droits de l'Homme et du citoyen de 1789. En outre, la loi de 1905 dans son article 1er dispose que: *"La République assure la liberté de conscience. Elle garantit le libre exercice des cultes sous les seules restrictions édictées ci-après dans l'intérêt de l'ordre public"*.

[85] Dans le cadre de la Grande mobilisation de l'Ecole pour les valeurs de la République, un plan exceptionnel de formation des enseignants a été mis en œuvre à partir de février 2015. Il a été décliné en trois phases successives. La première, centrée sur les apports théoriques et scientifiques les plus récents concernant l'éducation à la citoyenneté et la transmission des valeurs de la République et incluant des éléments sur la laïcité et la lutte contre les préjugés et les discriminations, a fait l'objet de huit séminaires inter-académiques, à destination de 1000 personnels d'encadrement et de formateurs. La deuxième phase de formation a été consacrée à la présentation des ressources produites par le Ministère et Canopé afin d'aider les enseignants à créer des situations concrètes dans les établissements scolaires. La troisième phase a été centrée sur la promotion de pratiques collaboratives et démocratiques dans les établissements scolaires (débat argumenté), avec un séminaire de deux jours à destination des formateurs en mars 2017.

[86] Loi n° 2004-228 du 15 mars 2004 encadrant, en application du principe de laïcité, le port de signes ou de tenues manifestant une appartenance religieuse dans les écoles, collèges et lycées publics.

[87] **Recommandations 120.23; 120.26; 120.25; 120.27.**

[88] Voir les décisions d'irrecevabilité de la Cour européenne des droits de l'homme *Aktas c. France*, *Bayrak c. France*, *Gamaleddyn c. France*, *Ghazal c. France*, *Ranjit Singh c. France* et *Jasvir Singh c. France* (30 juin 2009).

[89] Décret n° 2007-425 du 25 mars 2007 créant un observatoire de la laïcité.

[90] Article 1er de la Constitution du 4 octobre 1958.

[91] Inclus dans le préambule de la Constitution du 27 octobre 1946.

[92] **Recommandation 120.138.**

[93] La France, en tant que membre du "Groupe des amis du protocole", avait participé activement aux travaux de rédaction de ce Protocole.

[94] Loi n° 2007-290 du 5 mars 2007 instituant le droit au logement opposable et portant diverses mesures en faveur de la cohésion sociale.

[95] **Recommandation 120.139.**

[96] Conseil d'Etat, avis du 2 juillet 2010.

[97] **Recommandation 120.47.**

[98] **Recommandations 120.137; 120.138.**

[99] Une fois le plan pauvreté monté en charge, ce sont environ 2,6 milliards d'euros supplémentaires qui seront redistribués chaque année à 2,7 millions de ménages parmi les plus en difficulté (soit environ 1 000 euros en moyenne par an et par ménage d'ici fin 2017).

[100] Loi n° 2016-832 du 24 juin 2016 visant à lutter contre la discrimination à raison de la précarité sociale.

[101] Dans le code du travail et dans la loi n° 2008-496 du 27 mai 2008 portant diverses dispositions d'adaptation au droit communautaire dans le domaine de la lutte contre les discriminations.

[102] Une première étape de réforme des minima sociaux a été mise en œuvre dès 2017. La revalorisation de la prime d'activité, lancée dès 2018, se poursuivra tout au long du quinquennat.

[103] Loi n° 2017-399 du 27 mars 2017 relative au devoir de vigilance des sociétés mères et des entreprises donneuses d'ordre.

[104] Entreprises ayant leur siège en France et plus de 5000 salariés à travers leurs filiales, ou ayant un siège à l'étranger et un en France et plus de 10 000 salariés.

[105] A défaut, leur responsabilité civile pourrait être engagée.

[106] Ce «devoir de vigilance » est une adaptation de la notion de « due diligence» présente dans les principes directeurs de l'ONU, adoptés en juin 2011 (AEF (Annuaire des Entreprises de France) n°10525). Un deuxième volet concernerait la répression en cas de manquement, avec deux articles sur la coresponsabilité pénale et civile.

[107] Cette loi fait suite notamment à la catastrophe de l'immeuble Rana Plaza au Bangladesh.

[108] CNCDH, Entreprises et droits de l'homme : avis sur les enjeux de l'application par la France des Principes directeurs des Nations Unies, 24 octobre 2013, JORF (Journal officiel de la République française) n°0266 du 16 novembre 2016.

[109] Créée par le Premier Ministre en juin 2013 et associant les pouvoirs publics ainsi que les représentants des entreprises, des salariés, des associations et des ONG.

[110] **Recommandations 120.119; 120.120; 120.121; 120.122; 120.123; 120.124.**

[111] A titre d'exemples, deux dispositifs expérimentaux ont été mis en place à Paris en 2016, l'un portant sur la protection des mineurs victimes de traite des êtres humains, l'autre sur la mise à l'abri de victimes de traite à des fins d'exploitation sexuelle.

[112] Fiches réflexes à destination des forces de sécurité, des magistrats et des inspecteurs du travail, livret pour les éducateurs de l'aide sociale à l'enfance et de la protection judiciaire de la jeunesse.

[113] Certaines de ces avancés sont soulignées par la CNCDH, désignée Rapporteur national indépendant sur la lutte contre la traite des êtres humains par le plan d'action et chargée, à ce titre, d'évaluer la politique publique en la matière – cf. CNCDH, Rapport 2016 «La lutte contre la traite et l'exploitation des êtres humains».

[114] ONDRP (Observatoire national de la délinquance et des réponses pénales)-MIPROF, Publication de l'enquête «Les victimes de traite des êtres humains suivies par les associations en France en 2015», Grand angle, n°43.

[115] Et ce pendant toute la durée de la procédure pénale et l'obtention d'une carte de résident délivrée de plein droit en cas de condamnation définitive des auteurs.

[116] Loi n° 2016-444 du 13 avril 2016 visant à renforcer la lutte contre le système prostitutionnel et à accompagner les personnes prostituées.

[117] Cette loi a montré la volonté de la France d'aller jusqu'au bout de sa position abolitionniste en plaçant les personnes prostituées et les victimes de traite des êtres humains au cœur de son action : le délit de racolage est ainsi supprimé, conformément au principe de non-sanction, porté par les textes internationaux.

[118] **Recommandations 120.105; 120.106.**

[119] **Recommandations 120.107; 120.108; 120.109; 120.110.**

[120] **Recommandation 120.104.**

[121] Cf. article 6 du règlement intérieur type annexé à l'article R. 57-6-18 du code de procédure pénale, lequel précise que «le tableau des avocats inscrits dans les barreaux du département [est] affiché dans le quartier disciplinaire».

[122] Accès au téléphone, aux unités de vie familiale et parloirs familiaux, protection étendue de la confidentialité de la correspondance écrite.

[123] **Recommandations 120.111; 120.112.**

[124] Une stratégie santé des personnes placées sous-main de justice a été définie en avril 2017. La prise en charge psychiatrique des personnes sous-main de justice a été reformée pour permettre aux personnes détenues de disposer de soins ambulatoires, d'hospitalisation de jour et d'hospitalisation complète. Par ailleurs, l'arrivée en prison constituant une période à risque suicidaire accru, les «quartiers arrivants» des établissements pénitentiaires ont été labellisés, afin de préserver la dignité de la personne détenue et de limiter le « choc carcéral».

[125] **Recommandation 120.113.**

[126] Circulaire conjointe signée le 3 juillet 2015.

[127] Réseau national des missions locales, services publics de proximité destinés à tous les jeunes de 16 à 25 ans pour surmonter les difficultés qui font obstacle à leur insertion.

[128] Jeunes faisant l'objet d'une mesure restrictive ou privative de liberté par décision de justice en milieu ouvert ou fermé.

[129] Loi n° 2002-2 du 2 janvier 2002 rénovant l'action sociale et médico-sociale.

[130] Note du 4 mai 2015 relative aux lignes directrices de l'élaboration du règlement de fonctionnement des établissements collectifs de placement judiciaire.

[131] Opération «Barkhane» au Sahel et opération « Chammal» en Irak et en Syrie.

[132] Loi n° 2012-1432 du 21 décembre 2012, loi n° 2014-1353 du 13 novembre 2014, loi n°2015-912 du 25 juillet 2015, loi n°2016-731 du 3 juin 2016 et loi n°2017-258 du 28 février 2017.

[133] Art. L. 224-1 du Code de la sécurité Intérieure (CSI).

[134] Art. L. 214-1 du CSI.

[135] L. 562-1 et suivants du code monétaire et financier.

[136] La loi n° 2017-1154 du 11 juillet 2017 a prorogé pour la 6ème fois l'application de la loi n° 55-385 du 3 avril 1955 relative à l'état d'urgence.

[137] Assignations à résidence, perquisitions administratives, dissolution d'associations et groupements de fait, fermeture de lieux de culte, manifestations, interdiction de séjour, etc.

[138] La loi n° 2015-1501 du 20 novembre 2015 prorogeant l'application de la loi n°55-385 du 3 avril 1955 relative à l'état d'urgence.

[139] Cf. décision n° 2016-611 QPC (Question prioritaire de constitutionnalité) du 10 février 2017; décision n° 2016-590 QPC du 21 octobre 2016.

[140] Liberté d'aller et venir, droit au respect de la vie privée, droit au recours effectif, droit de propriété.

[141] Enfin, la juridiction administrative exerce également un contrôle régulier des décisions individuelles prises par l'administration dans le cadre de l'état d'urgence.

[142] Dans le cadre des réquisitions prévues à l'article L. 1321-1 du code de la défense , qui dispose: *«Aucune force armée ne peut agir sur le territoire de la République pour les besoins de la défense et de la sécurité civiles sans une réquisition légale. Le premier alinéa n'est pas applicable à la gendarmerie nationale. Toutefois, conformément aux dispositions de l'article L. 214-1 du code de la sécurité intérieure, lorsque le maintien de l'ordre public nécessite le recours aux moyens militaires spécifiques de la gendarmerie nationale, leur utilisation est soumise à autorisation dans des conditions définies par décret en Conseil d'Etat »*

[143] Egalement a densifier les dispositifs de prévention de la radicalisation pour assurer une prise en charge individuelle des publics, développer la recherche appliquée en matière de contre-discours et mobiliser l'islam de France.

[144] Novembre 2017.

[145] Ces mesures seront soumises à des conditions plus ciblées qu'en période d'état d'urgence; conditionnées, pour celles qui nécessitent de pénétrer au domicile, à l'autorisation d'un juge judiciaire; encadrées dans leurs effets pour se concilier avec le respect du droit à la vie privée et familiale, susceptible de faire l'objet de recours suspensifs.

[146] Articles R.434-1 et suivants du code de la sécurité intérieure.

[147] Article R.434-3 du code de la sécurité intérieure.

[148] Afin d'assurer la protection des policiers et des gendarmes exposés à des agressions violentes et d'améliorer leur capacité opérationnelle dans les situations où la coercition physique est insuffisante ou impossible (**Recommandation 120.103**).

[149] Une doctrine commune à la police et à la gendarmerie, en date du 2 septembre 2014, a défini les règles, les modalités et les recommandations d'emploi relatives au pistolet à impulsion électrique (PIE) et aux lanceurs de balles de défense (LBD) de calibre 40 et 44 mm (les seconds étant progressivement remplacés par les premiers, plus précis). Les armes à ultrasons ne sont employées ni par la police, ni par la gendarmerie. Cette instruction, après avoir rappelé les caractéristiques de l'arme, précise le

cadre juridique de son emploi, les modalités d'emploi (notamment les précautions d'emploi et les conduites à tenir après emploi), la nécessité d'une habilitation et les formations à suivre pour user de cette arme, ainsi que le contrôle des mouvements et stockage de l'arme.

150 Mises à disposition par l'Inspection Générale de la Police Nationale et l'Inspection Générale de la Gendarmerie Nationale.

151 La loi constitutionnelle n° 2008-724 du 23 juillet 2008 de modernisation des institutions a confié au Défenseur des droits la poursuite des missions anciennement dévolues à la Commission nationale de la déontologie de la sécurité. Les modalités de saisine de cette autorité ont ainsi été élargies.

152 Conseil départemental d'accès au droit, maison de justice et du droit, bureau d'aide aux victimes.

153 **Recommandations 120.93; 120.95; 120.94; 120.96; 120.97.**

154 Tout usage excessif de la force expose les forces de l'ordre à une sanction disciplinaire, indépendamment des sanctions pénales. Les fonctionnaires de police ou les militaires de la gendarmerie sont soumis au contrôle des inspections compétentes, respectivement l'inspection générale de la police nationale (IGPN), l'inspection générale de la gendarmerie nationale (IGGN) et l'inspection générale de l'administration. L'IGPN et l'IGGN effectuent des audits, des enquêtes administratives ou disciplinaires, mais aussi judiciaires sur saisine des magistrats.

155 Dont 8 pour des faits de violences sur personne gardée à vue ou témoins.

156 Loi n° 2017-256 du 28 février 2017 de programmation relative à l'égalité réelle outre-mer et portant autres dispositions en matière sociale et économique.

157 Le dispositif des « intervenants en langue maternelle » en Guyane, mis en place pour accueillir au moment des premiers apprentissages les élèves dans leur langue maternelle autre que le français, est renforcé. A Mayotte et en Guyane, des expérimentations en bilinguisme sont développées dès l'école primaire dans chacune des circonscriptions, et les enseignants sont formés spécifiquement à recevoir des élèves non francophones.

158 **Recommandation 120.141.**

159 La loi égalité réelle outre-mer prévoit également la possibilité de mettre en place des observatoires des violences faites aux femmes chargés de proposer une prise en charge globale.

160 Le ministère des outre-mer élabore une feuille de route annuelle sur l'égalité femmes-hommes. Ce document présente le bilan des actions relatives à l'égalité femmes-hommes de l'année passée réalisées outre-mer et les perspectives d'actions pour l'année en cours.

161 **Recommandation 120.66.**

162 Le 8 mars 2017, M. Lionel Zinsou, ancien Premier ministre du Bénin, a remis au Premier ministre de la République française un rapport de préfiguration de la Fondation pour la mémoire de l'esclavage, de la traite et de leurs abolitions.

163 Les compétences du CSEP ont été étendues aux questions d'articulation des temps de vie, de modes de garde, de congés familiaux, de systèmes de représentation dans l'entreprise, de harcèlement sexuel et moral, de formation initiale et continue, de diversification des choix professionnels des filles et des garçons et de création d'entreprises par les femmes.

164 **Recommandations 120.56, 120.57.**

165 Cette instance consultative indépendante, composée de parlementaires, d'élus locaux, de personnalités qualifiées, de représentants, d'associations et d'administrations de l'Etat, se substitue à l'Observatoire de la parité, dont le champ d'application, limité à la parité en politique, n'était plus adapté à la nouvelle dimension prise par la politique des droits des femmes. Il remplace également le Conseil supérieur de l'information sexuelle, la commission nationale contre les violences faites aux femmes et la commission sur l'image des femmes dans les médias.

166 Loi n° 2014-873 du 4 août 2014 pour l'égalité réelle entre les femmes et les hommes.

167 **Recommandations 120.32; 120.34; 120.42.**

168 La loi s'articule autour de 5 priorités : garantir de nouveaux moyens pour l'égalité professionnelle, mettre en place une garantie publique contre les impayés de pension alimentaire, lutter contre les violences faites aux femmes, prévenir et lutter contre les stéréotypes sexistes, généraliser la parité.

169 Loi n° 2016-1088 du 8 août 2016 relative au travail, à la modernisation du dialogue social et à la sécurisation des parcours professionnels.

170 Loi n° 2011-103 du 27 janvier 2011 relative à la représentation équilibrée des femmes et des hommes au sein des conseils d'administration et de surveillance et à l'égalité professionnelle.

171 Loi n° 2012-347 du 12 mars 2012 relative à l'accès à l'emploi titulaire et à l'amélioration des conditions d'emploi des agents contractuels dans la fonction publique, à la lutte contre les discriminations et portant diverses dispositions relatives à la fonction publique.

172 Loi n° 2014-873 du 4 août 2014 pour l'égalité réelle entre les femmes et les hommes – cf. supra.

173 Fonction publique d'Etat, territoriale et hospitalière.

174 Le ministère chargé de la fonction publique a reçu pour ce dispositif le prix du service public de l'ONU en 2015.

175 L'ORSE regroupe des entreprises, des investisseurs, des organisations syndicales, des universitaires, des ONG. Elle a pour mission de faire connaître les enjeux et les outils de la Responsabilité Sociétale

des Entreprises (RSE) auprès de toutes les parties prenantes de l'entreprise (actionnaires, partenaires sociaux, clients, salariés, fournisseurs et sous-traitants, pouvoirs publics, associations, citoyens, etc.).

176 **Recommandations 120.59; 120.60; 120.61.**

177 34% pour les entreprises cotées du CAC40 et 32% pour celles du SBF120.

178 **Recommandation 120.58.**

179 Cette mesure dissuasive vise à amoindrir l'écart de représentation entre femmes et hommes au sein de l'Assemblée Nationale.

180 Décret n° 2015-354 du 27 mars 2015 relatif à l'égal accès des femmes et des hommes aux commissions et instances consultatives ou délibératives placées auprès du Premier ministre, des ministres ou de la Banque de France.

181 D'autres publications permettent d'avoir une meilleure connaissance de mécanismes en œuvre dans la fonction publique, tel « Le plafond de verre dans les ministères », le Guide de prévention et de traitement des situations de violences et de harcèlement dans la fonction publique (2017) ou le Guide des congés familiaux et du temps partiel dans la fonction publique (2017).

182 Cf. rapport du Haut Conseil à l'égalité entre les femmes et les hommes concernant la parité aux niveaux communal, intercommunal, départemental et régional (2017). http://www.haut-conseil-egalite.gouv.fr/IMG/pdf/hce_parite_au_niveau_local_2017_02_02_compresse-2.pdf.

183 **Recommandation 120.58.**

184 Circulaire du 24 juin 2015.

185 Avec, en particulier, la création d'un délit général de harcèlement, la création d'un «stage de responsabilisation pour la prévention et la lutte contre les violences au sein du couple et sexistes», la généralisation du dispositif de télé-protection «Téléphone grave danger», le principe de l'éviction du conjoint violent du domicile dès lors que les faits sont susceptibles de se reproduire et que la victime en fait la demande, l'efficacité accrue de l'ordonnance de protection, la restriction de la médiation pénale aux seuls cas où la victime en fait expressément la demande et que cette mesure est assortie d'un rappel à la loi pour l'auteur des faits.

186 Cf. supra.

187 **Recommandation 120.37.**

188 Généralisé par la loi n° 2014-873 du 4 août 2014 pour l'égalité réelle entre les femmes et les hommes, ce dispositif permet également la localisation du bénéficiaire lorsque celui-ci déclenche l'alerte.

189 Enfants témoins de violences conjugales, jeunes femmes particulièrement exposées aux violences, dans le couple et sur internet, et les femmes vivant en milieu rural.

190 Participation des femmes à la gestion des situations de conflit et de post conflit; protection des femmes contre les violences et protection de droits des femmes post conflit; lutte contre l'impunité; prévention par la sensibilisation et la promotion de l'agenda «Femmes, Paix et Sécurité» à l'échelon régional et international.

191 **Recommandations 120.39; 120.44-45.**

192 **Recommandations 120.116; 120.117; 120.118.**

193 Prévention, repérage et prise en charge des violences.

194 **Recommandations 120.116-118 et 120.129.**

195 **Recommandations 120.116, 120.117, 120.118.**

196 Loi n° 2016-297 du 14 mars 2016.

197 Elle comprend des actions de prévention en faveur de l'enfant et de ses parents, l'organisation du repérage et du traitement des situations de danger ou de risque de danger pour l'enfant ainsi que les décisions administratives et judiciaires prises pour sa protection.

198 Décret n° 2016-1284 du 29 septembre 2016 pris en application de l'article L. 112-3 du code de l'action sociale et des familles et relatif aux missions, à la composition et aux modalités de fonctionnement du Conseil national de la protection de l'enfance.

199 Le CNPE a pour mission de proposer au gouvernement les orientations nationales de la protection de l'enfance, de rendre des avis sur toutes les questions s'y rattachant et de faire des propositions de nature à améliorer les interventions en protection de l'enfance et de promouvoir la convergence des politiques menées au niveau local.

200 Situations de grande précarité, mineurs non accompagnés, enfants de réfugiés et de demandeurs d'asile.

201 **Recommandations 120.164; 120.165.**

202 Arrêté du 17 novembre 2016 pris en application du décret n° 2016-840 du 24 juin 2016 relatif aux modalités de l'évaluation des mineurs privés temporairement ou définitivement de la protection de leur famille.

203 Notamment les structures de l'aide sociale à l'enfance, des dispositifs dédiés, la prise en charge hôtelière.

204 Avec le concours du préfet du département et de l'autorité judiciaire s'il y a lieu.

[205] Arrêté du 17 novembre 2016 pris en application du décret n° 2016-840 du 24 juin 2016 relatif aux modalités de l'évaluation des mineurs privés temporairement ou définitivement de la protection de leur famille.

[206] Autre exemple, à Paris, des liens étroits existent entre le centre d'hébergement géré par Emmaüs et le service en charge de l'évaluation du département pour permettre une collaboration effective.

[207] Loi n° 2016-274 du 7 mars 2016 relative au droit des étrangers en France.

[208] Dans les hypothèses limitativement énumérées par l'article L. 551-1 du CESEDA (Code de l'entrée et du séjour des étrangers et du droit d'asile).

[209] Conformément aux engagements internationaux de la France en matière de droits de l'Homme et aux exigences dégagées par la Cour européenne des droits de l'Homme.

[210] S'il intervient, le placement en rétention doit être le plus bref possible et se dérouler dans des structures adaptées.

[211] Ces politiques représentent un effort financier important estimé à plus de 57 milliards d'euros, qui mobilisent l'Etat, l'assurance-maladie et les collectivités territoriales.

[212] Information et simplification des démarches, mise en place d'un projet personnalisé de scolarisation, renforcement de l'accompagnement humain.

[213] Structures d'accueil 4ème plan autisme, formation des enseignants spécialisés.

[214] Expérimentations en cours pour les élèves porteurs d'autisme, de DYS (élèves ayant divers troubles d'apprentissage, tels que la dyslexie, la dyscalculie, la dysphasie ou la dyspraxie), cartable connecté pour les élèves hospitalisés.

[215] Loi n° 2013-595 du 8 juillet 2013 d'orientation et de programmation pour la refondation de l'école de la République.

[216] Suivi normalisé de la situation et du projet de l'élève, délivrance d'une attestation de compétences, professionnalisation de la fonction d'accompagnant.

[217] **Recommandation 120.144.**

[218] Sur les 180 millions d'euros prévus pour la période 2017-2021, 59 millions seront délégués aux Agences régionales de santé dès 2017. Les modes d'accompagnement seront diversifiés, via la création de "pôles de compétences et de prestations externalisées", destinés à financer les interventions de professionnels libéraux - psychologues, éducateurs – auprès des personnes handicapées.

[219] Article L.323-2 du code du travail.

[220] Cette obligation d'emploi s'impose à l'Etat et à ses établissements publics autres qu'industriels et commerciaux, aux collectivités locales et à leurs établissements publics autres qu'industriels et commerciaux, aux établissements sanitaires et sociaux ainsi qu'à l'exploitant public La Poste. Le non-respect de cette obligation entraîne, depuis le 1er janvier 2006, le versement d'une contribution annuelle au fonds pour l'insertion des personnes handicapées dans la fonction publique (FIPHFP).

[221] Loi n° 2015-925 du 29 juillet 2015 relative à la réforme du droit d'asile.

[222] **Recommandations 120.156; 120.158; 120.159; 120.163.**

[223] Loi n° 2016-274 du 7 mars 2016 relative au droit des étrangers en France.

[224] **Recommandations 120.46, 120.76; 120.160.**

[225] **Recommandation 120.66.**

[226] Circulaire interministérielle n° DGEFP/DPE/DGEF/DIHAL/2016/398 du 21 décembre 2016 relative à l'insertion professionnelle des bénéficiaires d'une protection internationale.

[227] **Recommandations 120.157; 120.160.**

[228] Actions de lutte contre l'illettrisme, compte personnel de formation, etc.

[229] **Recommandation 120.161.**

[230] Direction générale des étrangers en France et Délégation générale à l'emploi et à la formation professionnelle.

[231] Ce partenariat vise à faciliter l'accès de ce public au monde économique, via un emploi ou une formation. Il établit les conditions nécessaires en termes de moyens et de méthodes de mise en œuvre. Il prévoit deux axes de développement : articuler les offres de service des opérateurs, OFII et Pôle emploi, pour faciliter la construction d'un parcours adapté et personnalisé ; faciliter et organiser l'échange d'expertise par le développement d'échanges d'informations et de données informatisées entre les opérateurs.

[232] **Recommandation 120.56.**

[233] Notamment en intégrant dans le décompte dit «SRU» (Solidarité et renouvellement urbain» (obligation de logement social assignée aux communes) les terrains familiaux locatifs aménagés au profit des Gens du voyage en demande d'ancrage territorial, et, encore en facilitant la réalisation des aires d'accueil et terrains familiaux locatifs par les établissements publics de coopération intercommunale.

[234] Décret n° 2015-563 du 20 mai 2015 relatif à la Commission nationale consultative des gens du voyage.

Son secrétariat a été confié à la Délégation interministérielle à l'hébergement et à l'accès au logement (DIHAL) et la place des Gens du voyage au sein de cette commission a été renforcée.

La circulaire prévoit ainsi que des mesures soient prises pour l'accès au logement, à la santé, à l'emploi et à la scolarisation. Elle prévoit également qu'un diagnostic précède chaque évacuation afin notamment de repérer les situations les plus difficiles, une attention toute particulière étant portée aux enfants.

Recommandation 120.142.

United Nations A/HRC/WG.6/29/FRA/2

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Compilation on France

Report of the Office of the United Nations High Commissioner for Human Rights

I. Background

1. The present report was prepared pursuant to Human Rights Council resolutions 5/1 and 16/21, taking into consideration the periodicity of the universal periodic review. It is a compilation of information contained in reports of treaty bodies and special procedures and other relevant United Nations documents, presented in a summarized manner owing to word-limit constraints.

II. Scope of international obligations and cooperation with international human rights mechanisms and bodies[1][2]

2. The Human Rights Committee regretted that, despite the commitments undertaken during the universal periodic review in 2008, France had decided not to withdraw its declaration relating to article 13 of the International Covenant on Civil and Political Rights. The Committee recommended that France reconsider its interpretative declarations and reservations with a view to significantly reducing their number.[3]

3. The Committee on Economic, Social and Cultural Rights, the Committee on the Elimination of Discrimination against Women, the Committee against Torture and the Committee on the Elimination of Racial Discrimination encouraged France to consider ratifying the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families.[4]

4. The Committee on the Elimination of Discrimination against Women recommended that France ratify the Domestic Workers Convention, 2011 (No. 189) of the International Labour Organization (ILO).[5] The Committee on the Elimination of Racial Discrimination encouraged France to consider ratifying the Indigenous and Tribal Peoples Convention, 1989 (No. 169) of ILO.[6]

5. The United Nations Educational, Scientific and Cultural Organization (UNESCO) indicated that France had taken part in the recent consultations with member States concerning the implementation of the UNESCO Convention against Discrimination in Education and had submitted reports within the framework of the ninth (2016-2017) and eighth (2011-2013) consultations.[7]

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6. France ratified the Protocol to the Forced Labour Convention, 1930 (No. 29) on 11 June 2014.[8]

III. National human rights framework[9]

7. The Committee on the Elimination of Discrimination against Women welcomed the creation, in 2013, of the High Council for Gender Equality as an advisory body under the Office of the Prime Minister[10] and recommended that France strengthen the implementation of gender equality policies at the municipal and regional levels.[11]

8. The Committee on the Rights of the Child welcomed the creation of the High Council for Family, Childhood and the Elderly but remained concerned by the fact that France did not systematically consult the Defender of Children on bills affecting children's rights and did not sufficiently follow up on its reports and recommendations.[12]

IV. Implementation of international human rights obligations, taking into account applicable international humanitarian law

A. Cross-cutting issues

1. Equality and non-discrimination[13]

9. UNESCO noted that France had adopted a number of measures designed to prevent all forms of discrimination, including sexism, racism and homophobia. A governmental plan of action for combating racism and anti-Semitism had been presented in April 2015,[14] and a campaign to combat homophobia had been launched in December 2015.[15] The Committee on the Elimination of Discrimination against Women commended France on its exhaustive anti-discrimination legal framework, especially in the light of the adoption of Act No. 2014-873 on substantive equality between women and men.[16]

10. The Committee on the Rights of the Child was concerned about the persistence of discrimination on the grounds of sex, gender identity, disability, national origin, social and economic origin or other grounds and the racial discrimination against and stigmatization of Roma children. The Committee urged France to foster a culture of equality, tolerance and mutual respect to prevent and combat persistent discrimination.[17]

11. The Committee on the Elimination of Racial Discrimination was concerned by the growing stigmatization and the negative stereotyping of Roma occasioned by the use of racist hate speech by elected officials.[18] The Committee recommended that France ensure that the devolution of powers to local governments did not interfere with vulnerable persons' and groups' enjoyment of their rights under the International Convention on the Elimination of All Forms of Racial Discrimination.[19] It recommended that France ensure that all instances of racist or xenophobic discourse were investigated and that the persons responsible were prosecuted, convicted and punished appropriately.[20]

12. The Human Rights Committee was concerned about the resurgence of racist and xenophobic discourse in both the public and political spheres and recommended that France step up its efforts against racist, anti-Semitic and anti-Muslim violence, in particular by conducting investigations and punishing the perpetrators of such acts.[21] The Committee on the Elimination of Discrimination against Women[22] and the Committee on the Elimination of Racial Discrimination[23] made similar recommendations.

13. The Committee on Economic, Social and Cultural Rights regretted the lack of statistical tools to measure the incidence of indirect discrimination on the grounds of origin and urged France to develop suitable methodologies for compiling disaggregated statistics on ethnic minorities, including persons of foreign extraction and Roma. The Committee requested that France include the overseas departments and regions and overseas

communities in its statistics and recommended making use of disaggregated statistics to monitor the impact that public policies had on those groups.[14]

2. Development, the environment, and business and human rights[15]

14. The Committee on Economic, Social and Cultural Rights found it regrettable that the amount of official development assistance provided by France fell short of the internationally agreed target of 0.7 per cent of gross national product. The Committee recommended that France raise that amount.[16]

15. The Committee on Economic, Social and Cultural Rights urged France to prevent business enterprises domiciled in its territory or under its jurisdiction from committing human rights violations abroad.[17] The Committee on the Rights of the Child made a similar recommendation focused on children's rights.[18]

16. The Committee on the Elimination of Discrimination against Women was concerned about the lack of measures to address the impact of the 30 years of nuclear testing on the health of women and girls in French Polynesia and recommended that France accelerate the processing of claims for the compensation of victims.[19] The Human Rights Committee was concerned about the fact that, as at 1 March 2015, the Nuclear Test Victims Compensation Committee had dismissed 98.3 per cent of claims. It recommended that France ensure compensation for all the victims of French nuclear tests, especially the local population.[20]

17. The Independent Expert on the issue of human rights obligations relating to the enjoyment of a safe, clean, healthy and sustainable environment noted that France had good practices in the use of human rights obligations in environmental policymaking.[21] The Independent Expert, on 24 October 2014, hailed the adoption of an Environmental Charter at the constitutional level.[22]

3. Human rights and counter-terrorism

18. The Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism and the Special Rapporteur on the situation of human rights defenders expressed concern about the vague wording of the draft law on strengthening internal security and the fight against terrorism approved by the Senate on 18 July 2017, in particular the definitions of terrorism and threats to national security.[23] The Human Rights Committee recommended that France ensure that the provisions of Act No. 2014-1353, which strengthened antiterrorism provisions, observed the principles of the presumption of innocence and of legality, and that if the provisions led to restrictions of certain human rights such as freedom of expression, information or movement, that such restrictions were in conformity with the Covenant.[24]

19. Noting the institution of legislative and administrative measures to expand the powers of French authorities in the fight against terrorism, the Committee against Torture was concerned by reports of excessive use of force by the police during some search operations and recommended that France ensure that counter-terrorism measures did not infringe on the exercise of rights protected under the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.[25]

20. In January 2015, the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression condemned the attack on journalists of a satiric magazine in Paris.[26] The Special Rapporteur in the field of cultural rights, in November 2016, denounced the 13 November terrorist attacks in Paris targeting sites of arts and leisure.[27]

B. Civil and political rights

1. Right to life, liberty and security of person[28]

21. The Committee against Torture reiterated its recommendation that France incorporate into its criminal legislation a definition of torture that included all the elements

set forth in article 1 of the Convention against Torture and make torture an imprescriptible offence.[39]

22. The Committee on Enforced Disappearances recommended that France ensure that the protection standards enshrined in the International Convention for the Protection of All Persons from Enforced Disappearance were also fully respected when the State was involved in military operations abroad.[40] The Committee also recommended that France adopt a law establishing the absolute prohibition of enforced disappearance in exceptional circumstances, whether a state of war or a threat of war, internal political instability or any other public emergency granting special powers to the President of the Republic.[41]

23. The Committee against Torture was concerned about an increase in violence and criminal acts motivated by hatred against certain vulnerable individuals and population groups, including Roma, Muslims, Jews and migrants, particularly since the recent terrorist attacks which prompted the adoption of the state of emergency.[42] The Committee recommended that France intensify its efforts to prevent violence and criminal acts motivated by hatred and intolerance and prosecute those responsible for such acts.[43]

24. The Human Rights Committee was concerned about allegations of ill-treatment, the excessive use of force and the disproportionate use of non-lethal weapons, especially during arrests, forced evictions and law enforcement operations.[44] The Committee against Torture recommended that France ensure that victims of police violence were able to file complaints.[45]

25. The Committee against Torture[46] and the Human Rights Committee[47] were concerned by the high level of prison overcrowding. The Committee against Torture recommended that France, as a matter of urgency, improve conditions of detention by implementing the recommendations of the Inspector General of Places of Deprivation of Liberty, including making greater use of alternatives to imprisonment in line with the United Nations Standard Minimum Rules for Non-custodial Measures (the Tokyo Rules) and the United Nations Rules for the Treatment of Women Prisoners and Non-custodial Measures for Women Offenders (the Bangkok Rules).[48]

26. The Committee against Torture remained concerned by the high suicide rate in French prisons despite the steps taken under the 2009 national action plan to prevent suicide in prisons.[49]

2. Administration of justice, including impunity, and the rule of law[50]

27. The Committee against Torture recommended that France implement a policy for the rehabilitation of victims of torture and facilitate access to rehabilitation facilities.[51]

28. The Committee on Enforced Disappearances recommended that France establish the right of appeal before a sitting judge to ensure that coercive measures were lawful and to enable detainees to be present in court, and that any person in pretrial or administrative detention should have the right to communicate with the outside world and that that right should not be restricted beyond 48 hours.[52]

29. The Committee against Torture recommended that France amend its Code of Criminal Procedure to guarantee access to a lawyer for persons taken into police custody from the outset of detention and in all cases.[53]

30. The Committee on the Elimination of Discrimination against Women welcomed the extension of the regulation on sexual harassment and sexist behaviour to the public sector.[54] The Committee recommended that France implement the recommendations of the Defender of Rights on the introduction of a clear and precise definition of sexual harassment in the draft law on equality and citizenship.[55]

31. The Committee on the Rights of the Child urged France to bring its juvenile justice system fully into line with the Convention on the Rights of the Child and other relevant standards and recommended that it establish specialized juvenile court facilities and procedures with adequate resources; establish a minimum age of criminal responsibility, not below the age of 13 and requiring the child's capacity of discernment; refrain from treating children above 16 years of age as adults; ensure that detention was used only as a

measure of last resort and for the shortest possible period of time, promoting instead alternative measures; and ensure that children, particularly girls, were not detained together with adults and could access education and health services.[56]

32. The ILO Committee of Experts on the Application of Conventions and Recommendations hoped that the Government would ensure that the working conditions of prisoners hired by private enterprises or jointly managed prisons approximated those of free workers and that France would provide information in that respect in future reports.[57]

3. Fundamental freedoms and the right to participate in public and political life[58]

33. The Human Rights Committee was of the view that the laws on the wearing of religious symbols and face coverings infringed the freedom to express one's religion or belief and that they had a disproportionate impact on members of specific religions and on girls. The Committee recommended that France review relevant legislation in the light of its obligations under the Covenant.[59]

34. UNESCO stated that Law No. 2016-1524 strengthened the right of journalists to not disclose their sources.[60] It recommended that France decriminalize defamation and place it within a civil code in accordance with international standards.[61]

4. Prohibition of all forms of slavery[62]

35. The Committee on the Elimination of Discrimination against Women welcomed the adoption of the first national action plan to combat human trafficking (2014-2016) and the designation of the national consultative commission for human rights as the independent national rapporteur. The Committee recommended that France provide support to women at risk of trafficking, and in particular to girls, and combat other forms of exploitative practices related to trafficking, in particular forced labour, servitude and slavery. It also recommended that France provide victims of trafficking with adequate access to health care and counselling.[63]

36. The ILO Committee of Experts noted the adoption of Act No. 2013-711 incorporating the crimes of "slavery" and "exploitation of enslaved persons" into the Criminal Code. The Committee also noted that the Act included two new offences, "forced labour" and "servitude". The Committee hoped that the Government would implement the national plan of action to combat trafficking in persons and requested that France provide information on the evaluation of the policy on combating trafficking, to be undertaken by the national advisory committee on human rights.[64]

37. The ILO Committee of Experts requested that the Government continue to provide victims, throughout the national territory, with better protection and short- and medium-term assistance, in compliance with the national plan of action to combat trafficking in persons and ensure that those measures were granted to all victims, whether or not they cooperated with the authorities.[65]

5. Right to privacy and family life[66]

38. In 2016, United Nations human rights experts stressed the lack of clarity and precision of several provisions of the state of emergency and surveillance laws, related to the nature and scope of restrictions to the legitimate exercise of the rights to freedom of expression, of peaceful assembly and of association and the right to privacy. In order to guarantee the rule of law and prevent arbitrary procedures, the experts recommended that France adopt measures for prior judicial control over antiterrorism measures.[67]

39. The Human Rights Committee recommended that France ensure that the collection and use of data on communications took place on the basis of legitimate objectives and ensure the independence of a monitoring system for surveillance activities, in particular by making provision for the judiciary to take part in the authorization and monitoring of surveillance measures.[68]

40. The Committee on the Rights of the Child was concerned by the three judgments of the European Court of Human Rights against France of 10 July 2014 for its failure to comply with the right to respect for family life, finding that the decision-making process for

the issuance of visas had not demonstrated the required guarantees of flexibility, speed and efficacy.[69]

C. Economic, social and cultural rights

1. Right to work and to just and favourable conditions of work[70]

41. The Committee on Economic, Social and Cultural Rights noted with concern that the unemployment rate remained high and recommended that France monitor the mechanisms in place for unemployed persons and businesses, in order to determine how effective they were in providing access to employment to target groups.[71] The Committee also recommended ensuring that unemployment benefits were adequate.[72]

42. The Committee on Economic, Social and Cultural Rights urged France to ensure that the collective bargaining process was effective and to uphold the right to union representation in accordance with international standards.[73]

2. Right to social security[74]

43. The Committee on Economic, Social and Cultural Rights was concerned at the incidence of poverty among certain disadvantaged and marginalized groups and urged France to assess the impact of the multi-year plan for poverty reduction and social inclusion.[75] The Committee recommended that France adopt measures designed to change public opinion, which tended towards stigmatizing poverty and recipients of social assistance benefits, through awareness-raising campaigns.[76]

3. Right to an adequate standard of living[77]

44. The Committee on Economic, Social and Cultural Rights was concerned that the Government was underinvesting in the implementation of policies for realizing the right to adequate housing, and about housing shortages, including shortages of social housing, affordable housing and emergency shelters.[78] The Committee urged France to undertake investments, on the basis of geographical priorities, that were proportional in size to the scale of the housing shortage.[79]

45. The Committee on Economic, Social and Cultural Rights found it worrisome that over 40 per cent of requests for emergency shelter had gone unanswered and that, in 80 per cent of the cases in which shelter had been provided, it had been made available for just one night.[80]

46. The Committee on Economic, Social and Cultural Rights was concerned by the number of forced evictions carried out in France, whether they were tenant evictions, evictions of persons from informal settlements or evictions of members of the Roma community or of Travellers from campsites. It requested that France reduce the number of forced evictions.[81] The Human Rights Committee made a similar recommendation.[82]

4. Right to health

47. The Committee on Economic, Social and Cultural Rights noted with concern the limited nature of access to health services in priority urban zones and in rural areas where medical personnel were in short supply.[83] The Committee on the Elimination of Discrimination against Women made similar remarks and recommendations.[84]

48. The Committee on the Elimination of Discrimination against Women welcomed the legislative measures to facilitate access to contraception and abortion, including full insurance coverage and free contraception for adolescents. The Committee recommended that France reduce the rate of teenage and/or unwanted pregnancy, including through family planning information and services, in particular in overseas territories and among disadvantaged groups of women.[85]

49. The Committee against Torture was concerned about the failure to systematically inform patients about their rights prior to placement in seclusion or under restraint and about how to appeal such decisions.[86] The Committee recommended that France enhance

the training of personnel at psychiatric facilities to ensure compliance with the rules established by the Act of 26 January 2016 on the modernization of the health system.[87]

5. Right to education[88]

50. The Committee on the Rights of the Child recommended that France strengthen its educational reform, with a view to reducing the effects of the social background of children on their achievement in school, take additional measures to guarantee a sufficient number of qualified teachers and ensure the right to education without discrimination to all children.[89]

51. UNESCO noted that the completion rate for students from low-income households was still low. In particular, unaccompanied migrant children, Roma children and children with disabilities face discrimination.[90] The Committee on the Rights of the Child was concerned that Roma children, unaccompanied migrant children and children living in precarious housing faced numerous difficulties with regard to enrolling in ordinary schools or gaining access to school canteens and in some cases had not been allowed to do so by municipalities.[91]

D. Rights of specific persons or groups

1. Women[92]

52. The Committee on the Elimination of Discrimination against Women was concerned that the prevalence of gender-based violence against women remained high[93] and recommended that France ensure that acts of gender-based violence against women, including female genital mutilation and forced and/or child marriage, when perpetrated by French nationals or permanent residents, were prosecuted ex officio in France, regardless of whether the offence was criminalized in the country in which it was committed.[94]

53. The Committee on the Elimination of Discrimination against Women was concerned that Muslim women and girls were exposed to a heightened risk of discrimination and Islamophobic acts and that the risk of discrimination was compounded by the current social and political context. The Committee recommended that France combat all forms of discrimination against women and girls belonging to racial, ethnic, national and religious minorities, including those living in sensitive urban areas.[95]

54. The Committee on the Elimination of Racial Discrimination recommended that France take the necessary steps, as a matter of urgency, to protect Roma women from all forms of violence and any attempt to violate their right to physical integrity.[96]

55. The Committee on the Elimination of Discrimination against Women commended France on the numerous legislative and constitutional measures taken to ensure gender parity in political and public life. It remained concerned about the low representation of women in the National Assembly and the Senate and in the presidencies of subnational councils, departments or regions.[97]

2. Children[98]

56. The Committee on the Rights of the Child noted with appreciation that the principle of the best interests of the child had been raised at the constitutional level and that the Court of Cassation and the Council of State had adopted a common position in that regard. The Committee was concerned, however, that that right was not sufficiently integrated in practice.[99] It reiterated its recommendation that France explicitly prohibit corporal punishment in all settings.[100]

57. The Human Rights Committee and the Committee on the Rights of the Child were concerned about the allegations of sexual abuse reportedly committed against children by French soldiers during Operation Sangaris in 2013 and 2014.[101] The Committees recommended that France ensure that the allegations were investigated and perpetrators were prosecuted.[102] The Committee on the Rights of the Child also recommended that

France strengthen preventive measures to ensure that the rights of children were respected.[103]

58. The ILO Committee of Experts requested that the Government provide information on the results of the measures adopted for the implementation of the national action plan to combat the trafficking of human beings (2014-2016) in terms of the number of children under 18 years of age who had benefited from protection against trafficking or prostitution. The Committee urged the Government to take immediate and effective measures to protect isolated foreign minors from the worst forms of child labour and ensure their rehabilitation and social integration.[104]

59. UNESCO noted that although recommendations regarding Roma children, in particular, had been made in the course of the last universal periodic review cycle, few recent measures had been identified in that connection. France should be encouraged to pursue its efforts to eliminate discrimination against children with disabilities, migrant children and Travellers' children.[105]

3. Persons with disabilities[106]

60. The Special Rapporteur on the rights of persons with disabilities reminded the Government that deprivation of legal capacity and any type of involuntary treatment were contrary to the Convention on the Rights of Persons with Disabilities.[107] She encouraged the Government to support the establishment of organizations representing all persons with disabilities, including those with intellectual, developmental, psychosocial and multiple impairments.[108]

61. The Human Rights Committee recommended that France guarantee decent living conditions and safeguard the physical and mental integrity of persons with disabilities living in institutions.[109]

62. The Committee on the Rights of the Child was concerned by cases of ill-treatment of children with disabilities in institutions and the insufficient independent monitoring of such institutions,[110] and about persistent discrimination against children with multiple disabilities with regard to access to education, in school facilities and vocational training.[111] In order to guarantee the right to inclusive education, particularly for autistic children, the Special Rapporteur on the rights of persons with disabilities and the Special Rapporteur on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health have strongly advocated deinstitutionalization and the creation of alternatives to institutional placement. They have indicated that the medical-social model should be set aside in favour of a human rights approach based on non-discrimination, inclusion and participation.[112]

63. The Committee on the Rights of the Child was concerned about families facing major obstacles to obtaining the necessary support they were entitled to receive[113] and that, despite three successive autism plans, children with autism continued to be subjected to widespread violations of their rights.[114]

4. Minorities and indigenous peoples[115]

64. The Committee on the Elimination of Racial Discrimination recommended that France consider revisiting its position on the non-recognition of indigenous peoples in the overseas collectivities and that it apply more targeted policies that were better suited to the needs of those population groups, notably indigenous peoples and persons of African descent.[116] The Human Rights Committee recommended that France reconsider its position on the official recognition of ethnic, religious and linguistic minorities.[117]

65. The Committee on Economic, Social and Cultural Rights recommended that France promote the right of members of regional or minority linguistic groups and, in overseas departments and regions and overseas communities, of indigenous peoples to use their own languages, in areas where regional languages were traditionally spoken.[118]

5. Migrants, refugees, asylum seekers and internally displaced persons[119]

66. The Office of the United Nations High Commissioner for Refugees (UNHCR) noted that one of the changes that had been introduced as part of the reform of the asylum system had been to give suspensive effect to appeals filed with the National Court on the Right of Asylum. Other legislative advances include the introduction of stronger procedural safeguards in respect of interviews with the French Office for the Protection of Refugees and Stateless Persons (OFPRA), the introduction of the concept of vulnerability, the codification of statelessness and the clarification of family reunification procedures, although, in practice, difficulties remain in gaining access to consular offices, proving the existence of family ties and obtaining travel documents.[120] UNHCR recommended that the Government of France create initial humanitarian reception centres along migration routes on French territory in order to give immediate shelter and orientation to new arrivals as a means of providing them with the protection they need.[121]

67. The Human Rights Committee recommended that France guarantee that all asylum seekers and immigrants had an equal right to an effective suspensive appeal, specifically by ensuring access to professional interpretation services and legal aid in administrative custody centres and holding areas in metropolitan France and the overseas territories.[122]

68. UNHCR indicated that, as of 31 December 2016, 228,427 persons (not including minors) had been placed under the protection of OFPRA: 86.1 per cent of them had refugee status, 13.3 per cent of them had been granted subsidiary protection and 0.6 per cent were stateless persons.[123]

69. The Committee on the Elimination of Discrimination against Women was concerned that France might have difficulty dealing with an influx of refugees and providing them with decent housing, as illustrated by the precarious sanitary and housing conditions, lack of guaranteed access to food, clean water, sanitation, medical care, psychological support and legal counselling, and the high levels of exposure to violence and exploitation, especially for women and girls, in Calais.[124] The Committee on Economic, Social and Cultural Rights made similar remarks.[125] United Nations human rights experts urged France to devise long-term measures to provide access to safe drinking water and sanitation for migrants in Calais and other areas along the northern French coast.[126]

70. The Committee on the Elimination of Discrimination against Women welcomed the efforts made by France to integrate migrant women and girls and women of immigrant origin into all aspects of French society. It recommended that France consider the specific situation of migrant women and women of immigrant origin in all public policies.[127] UNHCR recommended that the Government of France take greater account of situations which place persons in vulnerable positions, including situations involving gender-related violence, with a view to ensuring that conditions in reception centres are suited to asylum seekers' specific needs.[128]

71. UNHCR noted that access to social rights (material support, shelter, health) is limited in the overseas territories while asylum seekers' and refugees' need for assistance has reached critical proportions.[129]

72. The Human Rights Committee was concerned about the particularly worrying situation of foreigners and asylum seekers in Mayotte, many of whom were unaccompanied minors. It recommended that France review the system of derogations applied in the department of Mayotte to ensure that foreigners and asylum seekers enjoyed the same guarantees as they would in metropolitan France.[130] It recommended that France prohibit the deprivation of liberty of minors in transit areas and all administrative custody centres in metropolitan France and overseas territories.[131]

73. UNHCR indicated that France had adopted Child Protection Act No. 2016-297. That law provides for a better distribution of unaccompanied minors in the country and clarifies the role of the State and of the various departments in caring for minors (child welfare services). In 2016, centres run by child welfare services housed 8,054 unaccompanied minors whose status as such had been identified and verified.[132]

74. On 7 December 2016, regarding the situation in the migrant camp in Calais, the Committee on the Rights of the Child noted that hundreds of children had been subjected to

inhumane living conditions, left without adequate shelter, food, medical services and psychosocial support, and in some cases exposed to smugglers and traffickers. The failures regarding the situation of children in Calais highlighted the shortcomings of a migration system built on policies that were neither developed nor implemented with children's rights in mind.[133]

75. UNHCR recommended that the Government of France ensure that the particular vulnerability of unaccompanied minors is fully taken into account at border checkpoints and that safeguards are in place at those locations with respect to information and reporting, due consideration of their best interests and the possibility of providing access to international protection.[134] The Committee on the Elimination of Racial Discrimination made similar recommendations.[135]

76. The Human Rights Committee was concerned about the fact that unaccompanied minors were still held in holding areas for up to 20 days and that they were still regularly placed with their parents in administrative custody centres and facilities.[136]

E. Specific regions or territories

77. Regarding French Guyana, the Committee on the Elimination of Racial Discrimination recommended that France consider recognizing indigenous peoples' collective rights to the ancestral lands that those communities had possessed and used since time immemorial, including their resources.[137] The Committee on the Elimination of Discrimination against Women recommended that France continue the health monitoring of the mercury poisoning of indigenous populations in French Guyana, investigate, prosecute and punish those responsible for such poisoning, and provide redress to victims.[138]

78. The Committee on the Elimination of Racial Discrimination recommended that France pursue its efforts to prepare the population of New Caledonia, including the Kanaks, to arrive at a decision on the issue of their self-determination.[139] In its resolution 71/120, the General Assembly reaffirmed the inalienable right of the people of French Polynesia to self-determination, and called upon France to intensify its dialogue with French Polynesia in order to facilitate progress towards a fair self-determination process.

79. The Committee on the Elimination of Racial Discrimination recommended that, in view of the new status of Mayotte, France increase its efforts to ensure that Mahorais enjoyed their economic, social and cultural rights on an equal footing with the rest of the country's population and that it remove the obstacles that hindered their freedom of movement.[140]

80. The Committee on Economic, Social and Cultural Rights noted with concern the high unemployment and poverty rates in the overseas departments and regions and overseas communities, including Réunion, French Guyana and Mayotte. The Committee recommended that France take a rights-based approach to the formulation of policies for reducing poverty in the overseas departments and regions and overseas communities and urged France to combat extreme poverty, in particular in Mayotte, and ensure that persons living in extreme poverty had access to social benefits.[141]

81. The Committee on the Elimination of Discrimination against Women recommended that France support efforts by customary authorities and indigenous women's organizations to ensure a rapid review of the discriminatory provisions relating to marriage and family relations, to bring them into conformity with the Convention on the Elimination of All Forms of Discrimination against Women.[142]

82. The Committee on the Elimination of Discrimination against Women was concerned that a large portion of the indigenous and tribal population of French Guyana and half the population of Mayotte lacked birth certificates and identity papers, depriving them of access to basic services.[143] It recommended that France consider extending the five-day deadline envisaged in draft law No. 3204, especially for remote areas, and simplify the procedure envisaged in the case of late declarations.[144]

83. The Committee on Economic, Social and Cultural Rights was concerned by the unfavourable situation with respect to the enjoyment of the right to health in overseas departments and regions and overseas communities, especially the high rates of maternal and infant mortality in Mayotte and in French Guyana.[145] It urged France to invest more resources in the most disadvantaged departments in order to equalize the level of health expenditure per capita.[146] The Committee on the Elimination of Discrimination against Women made similar remarks and recommendations.[147]

84. Concerned about the high rates of preventable infectious diseases in the overseas departments, including HIV/AIDS and tuberculosis,[148] the Committee on the Rights of the Child recommended that France undertake targeted programmes for addressing such preventable diseases, particularly in French Guyana and Mayotte.[149]

85. In addition to the measures provided for in the National Overseas Health Strategy, the Committee on Economic, Social and Cultural Rights urged France to further the development of public water supply and sanitation systems and provide access to those systems at an affordable price in order to reduce the prevalence of parasitic and infectious diseases.[150]

86. The Committee on the Rights of the Child remained concerned by the disparities in the implementation of the Convention in the overseas departments and territories[151] and about the lack of information about traditional adoptions known as "child circulation" in French Polynesia and New Caledonia, and recommended that France ensure that the principle of the paramountcy of the best interests of the child was strictly observed.[152] The Committee was also concerned about the insufficient registration of children belonging to Amerindian and Bushinenge populations in the overseas departments and territories, which impeded them from exercising their rights.[153]

Notes

[1] Tables containing information on the scope of international obligations and cooperation with international human rights mechanisms and bodies for France will be available at www.ohchr.org/EN/HRBodies/UPR/Pages/FRIndex.aspx.
[2] For relevant recommendations, see A/HRC/23/3, paras. 120.1-120.22, 120.50, 120.136, 120.143 and 120.162.
[3] See CCPR/C/FRA/CO/5, para. 5.
[4] See E/C.12/FRA/CO/4, para. 59; CAT/C/FRA/CO/7, para. 41; CEDAW/C/FRA/CO/7-8, para. 55; and CERD/C/FRA/CO/20-21, para. 18.
[5] See CEDAW/C/FRA/CO/7-8, para. 35.
[6] See CERD/C/FRA/CO/20-21, para. 18.
[7] See UNESCO submission for the universal periodic review of France, para. 3.
[8] See www.ilo.org/dyn/normlex/en/f?p=1000:12100:0::NO:12100:P12100_INSTRUMENT_ID:3174672.
[9] For relevant recommendations, see A/HRC/23/3, paras. 120.32-120.38, 120.64, 120.68, 120.71, 120.79, 120.84, 120.98-120.101 and 120.132.
[10] See CEDAW/C/FRA/CO/7-8, para. 14.
[11] Ibid., para. 15 (c).
[12] See CRC/C/FRA/CO/5, paras. 11 and 17.
[13] For relevant recommendations, see A/HRC/23/3, paras. 120.27, 120.40, 120.43, 120.46, 120.48-120.49, 120.62-120.63, 120.65, 120.67, 120.69-120.70, 120.72-120.78, 120.80-120.83, 120.85, 120.87-120.92, 120.133-120.134, 120.145-120.146, 120.150-120.151 and 120.156.
[14] See UNESCO submission, para. 13.
[15] Ibid., para. 14.
[16] See CEDAW/C/FRA/CO/7-8, para. 12.
[17] See CRC/C/FRA/CO/5, paras. 23-24.
[18] See CERD/C/FRA/CO/20-21, para. 9.
[19] Ibid., para. 4.
[20] Ibid., para. 8 (b).
[21] See CCPR/C/FRA/CO/5, para. 23.
[22] See CEDAW/C/FRA/CO/7-8, paras. 20-21.
[23] See CERD/C/FRA/CO/20-21, paras. 7-8.
[24] See E/C.12/FRA/CO/4, para. 17. See also CERD/C/FRA/CO/20-21, para. 5.

[25] For relevant recommendations, see A/HRC/23/3, paras. 120.52-120.54 and 120.137.
[26] See E/C.12/FRA/CO/4, paras. 7-8.
[27] Ibid., para. 13.
[28] See CRC/C/FRA/CO/5, para. 22.
[29] See CEDAW/C/FRA/CO/7-8, paras. 36-37.
[30] See CCPR/C/FRA/CO/5, para. 21. See also A/72/74.
[31] See A/HRC/28/61/Add.1, para. 25.
[32] See www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=15215&LangID=E.
[33] See www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=22165&LangID=E.
[34] See CCPR/C/FRA/CO/5, para. 10.
[35] See CAT/C/FRA/CO/7, paras. 12-13.
[36] See www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=15467&LangID=E.
[37] See www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=16762&LangID=E.
[38] For relevant recommendations, see A/HRC/23/3, paras. 120.41, 120.93-120.97, 120.102-120.103, 120.105-120.112 and 120.116-120.118.
[39] See CAT/C/FRA/CO/7, para. 9.
[40] See CED/C/FRA/CO/1, para. 29.
[41] Ibid., paras. 10-11.
[42] See CAT/C/FRA/CO/7, para. 14. See also CERD/C/FRA/CO/20-21, para. 7.
[43] Ibid., para. 15.
[44] See CCPR/C/FRA/CO/5, para. 15.
[45] See CAT/C/FRA/CO/7, para. 17 (a).
[46] Ibid., para. 21.
[47] See CCPR/C/FRA/CO/5, para. 17.
[48] See CAT/C/FRA/CO/7, para. 22.
[49] Ibid., para. 25.
[50] For the relevant recommendation, see A/HRC/23/3, para. 120.104.
[51] See CAT/C/FRA/CO/7, para. 39.
[52] See CED/C/FRA/CO/1, para. 31.
[53] See CAT/C/FRA/CO/7, paras. 11-12.
[54] See CEDAW/C/FRA/CO/7-8, para. 34.
[55] Ibid., para. 13.
[56] See CRC/C/FRA/CO/5, para. 82.
[57] See www.ilo.org/dyn/normlex/en/f?p=1000:13100:0::NO:13100:P13100_COMMENT_ID:3190318:NO.
[58] For relevant recommendations, see A/HRC/23/3, paras. 120.23-120.26, 120.28-120.31, 120.51 and 120.135.
[59] See CCPR/C/FRA/CO/5, para. 22.
[60] See UNESCO submission, para. 7.
[61] Ibid., para. 21.
[62] For relevant recommendations, see A/HRC/23/3, paras. 120.119-120.125.
[63] See CEDAW/C/FRA/CO/7-8, paras. 26-27.
[64] See www.ilo.org/dyn/normlex/en/f?p=1000:13100:0::NO:13100:P13100_COMMENT_ID:3190318:NO, paras. 1-2.
[65] Ibid., para. 3.
[66] For relevant recommendations, see A/HRC/23/3, paras. 120.130-120.131.
[67] See www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=16966&LangID=E.
[68] See CCPR/C/FRA/CO/5, para. 12.
[69] See CRC/C/FRA/CO/5, para. 51.
[70] For relevant recommendations, see A/HRC/23/3, paras. 120.138, 120.149 and 120.153.
[71] See E/C.12/FRA/CO/4, paras. 22-23.
[72] Ibid., para. 23.
[73] Ibid., para. 28.
[74] For the relevant recommendation, see A/HRC/23/3, para. 120.148.
[75] See E/C.12/FRA/CO/4, paras. 31-32.
[76] Ibid., para. 30.
[77] For relevant recommendations, see A/HRC/23/3, paras. 120.139, 120.147 and 120.154-120.155.
[78] See E/C.12/FRA/CO/4, para. 35.
[79] Ibid., para. 37 (a).
[80] Ibid., para. 35.
[81] Ibid., paras. 38-39.
[82] See CCPR/C/FRA/CO/5, para. 14.
[83] See E/C.12/FRA/CO/4, para. 44.

[84] See CEDAW/C/TRA/CO/7-8, paras. 36-37.
[85] Ibid., paras. 36-37.
[86] See CAT/C/TRA/CO/7, para. 29.
[87] Ibid., para. 30 (c).
[88] For relevant recommendations, see A/HRC/23/3, paras. 120.140-120.142.
[89] See CRC/C/TRA/CO/5, para. 72.
[90] See UNESCO submission, para. 19.
[91] See CRC/C/TRA/CO/5, para. 71 (b).
[92] For relevant recommendations, see A/HRC/23/3, paras.120.42-43, 120.56-61 and 120.114-115.
[93] See CEDAW/C/TRA/CO/7-8, para. 20.
[94] Ibid., para. 25.
[95] Ibid., paras. 18 and 19 (b).
[96] See CERD/C/TRA/CO/20-21, para. 9 (c).
[97] See CEDAW/C/TRA/CO/7-8, para. 28.
[98] For relevant recommendations, see A/HRC/23/3, paras. 120.39, 120.44-120.45, 120.113, 120.126-120.129 and 120.165.
[99] See CRC/C/TRA/CO/5, para. 25.
[100] Ibid., para. 44.
[101] See CCPR/C/TRA/CO/5, para. 16, and CRC/C/TRA/CO/5, para. 45.
[102] See CCPR/C/TRA/CO/5, para. 16, and CRC/C/TRA/CO/5, para. 46.
[103] See CRC/C/TRA/CO/5, para. 46.
[104] See www.do.org/dyn/normlex/en/f?p=1000:13100:0::NO:13100:P13100_COMMENT_ID:3189989:NO.
[105] See UNESCO submission, para. 19, and p. 7, recommendation 3.
[106] For relevant recommendations, see A/HRC/23/3, paras. 120.47 and 120.144.
[107] See www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=22252&LangID=E.
[108] See www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=22245&LangID=E.
[109] See CCPR/C/TRA/CO/5, para. 20.
[110] See CRC/C/TRA/CO/5, para. 40.
[111] Ibid., para. 57.
[112] See www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=19443.
[113] See CRC/C/TRA/CO/5, para. 57 (b).
[114] Ibid., para. 59.
[115] For relevant recommendations, see A/HRC/23/3, paras. 120.86 and 120.152.
[116] See CERD/C/TRA/CO/20-21, para. 11.
[117] See CCPR/C/TRA/CO/5, para. 6.
[118] See E/C.12/TRA/CO/4, para. 57.
[119] For relevant recommendations, see A/HRC/23/3, paras. 120.155-120.161 and 120.163-120.164.
[120] UNHCR submission for the universal periodic review of Tunisia, pp. 2-3.
[121] UNHCR submission, p. 5.
[122] See CCPR/C/TRA/CO/5, para. 18.
[123] UNHCR submission, p. 1.
[124] See CEDAW/C/TRA/CO/7-8, para. 31.
[125] See E/C.12/TRA/CO/4, para. 18.
[126] See www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=22240&LangID=E.
[127] See CEDAW/C/TRA/CO/7-8, paras. 42-43.
[128] UNHCR submission, p. 5.
[129] Ibid.
[130] See CCPR/C/TRA/CO/5, para. 35.
[131] Ibid.
[132] UNHCR submission, p. 1.
[133] See www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=20815&LangID=E.
[134] UNHCR submission, p. 4.
[135] See CERD/C/TRA/CO/20-21, para. 10.
[136] See CCPR/C/TRA/CO/5, para. 19.
[137] See CERD/C/TRA/CO/20-21, para. 12 (a).
[138] See CEDAW/C/TRA/CO/7-8, para. 17.
[139] See CERD/C/TRA/CO/20-21, para. 13. See also A/72/317, para. 24.
[140] Ibid., para. 14.
[141] See E/C.12/TRA/CO/4, paras. 31-34.
[142] See CEDAW/C/TRA/CO/7-8, para. 40.
[143] Ibid., para. 30.
[144] Ibid., para. 31.

[47] See E.C. 12 FRA (C) 4, para. 46.
[48] Ibid., para. 47 (a).
[49] See CFDAW/C/FRA/CO/7-8, paras. 36–37.
[50] See CRC/C/FRA/CO/5, para. 61.
[51] Ibid., para. 62.
[52] See E.C. 12 FRA (C) 4, para. 47 (c).
[53] See CRC/C/FRA/CO/5, para. 31.
[54] Ibid., paras. 55-56.
[55] Ibid., para. 32.

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Summary of Stakeholders' submissions on France*

Report of the Office of the United Nations High Commissioner for Human Rights

I. Background

1. The present report was prepared pursuant to Human Rights Council resolutions 5/1 and 16/21, taking into consideration the periodicity of the universal periodic review. It is a summary of 44 stakeholders' submissions[1] to the universal periodic review, presented in a summarized manner owing to word-limit constraints. A separate section is provided for the contribution by the national human rights institution that is accredited in full compliance with the Paris Principles.

II. Information provided by the national human rights institution accredited in full compliance with the Paris Principles

2. The National Consultative Commission for Human Rights (CNCDH) regretted that France failed to take full account of the change of paradigm introduced by the Convention on the Rights of Persons with Disabilities, and called on France to comply with the spirit of the Convention in its legislation.[2]

3. CNCDH drew attention to the need to dismantle racial prejudice and to combat racial violence. CNCDH also wished to express concern about the persistence of certain practices that are liable to impede the judicial treatment of racist offences, causing substantial underreporting of racist acts. It recommended that the police use of "registers of offences", a practice that has no legal basis, should be prohibited, insofar as it hampers victims' access to justice.[3]

4. CNCDH welcomed the diplomatic policy initiatives undertaken by France to promote the rights of women on the international scene, but deplored the lack of any significant progress in that respect on the home front. CNCDH recommended mainstreaming gender equality systematically in all public policies.[4]

* The present document was not edited before being sent to United Nations translation services.

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5. CNCDH pointed out that the overpopulation of French prisons had reached unprecedented levels in France, with dramatic consequences on conditions of imprisonment and the effectiveness of prisoners' rights. CNCDH recalled the need to ensure respect for prisoners' dignity and improved conditions of detention and recommended a change of paradigm in French criminal policy.[5]

6. CNCDH was concerned at the alarming proportions the fight against terrorism had taken on, especially since the introduction of the state of emergency. CNCDH recommended that special attention be paid to the disregard for human rights in the implementation of measures related to the state of emergency.[6]

7. CNCDH was concerned at the abusive and discriminatory practices of law enforcement personnel, and the restrictions on the right to effective remedy arising from the refusal to register complaints against the police and the gendarmerie. CNCDH recommended that France should reassess the range of means of action available to security forces, and ensure effective remedy against the human rights violations they perpetrate.[7]

8. With specific regard to sexual exploitation, CNCDH had observed that between 4,000 and 8,000 children were currently exposed to prostitution. CNCDH drew attention to the ineffectiveness of the national plan of action against human trafficking (2014-2016) and recommended that France adopt a new plan, with an enlarged scope covering all forms of trafficking and exploitation.[8]

9. CNCDH expressed concern regarding the rights of Roma populations and the exclusion faced by allophone or Roma children. CNCDH recommended the fullest application of the interministerial circular of 26 August 2012, in order to ensure durable accommodation for all expelled persons. It also called for comprehensive, coordinated action to provide schooling for all such children.[9]

10. CNCDH recommended improving access to the right of asylum and the detection of vulnerabilities, especially through the provision of psychological care to deal with the severely traumatic effects resulting from persecution and conditions of exile.[10]

11. CNCDH was concerned at the persistently high numbers of vagrant foreign children, especially in Paris, Calais and on the French-Italian border. It recommended making available sufficient means to ensure the effective protection of all isolated foreign children. It was also concerned at the internment of several thousand children in administrative holding centres, especially Overseas, in the administrative holding centre of Mayotte. CNCDH recommended that alternatives to internment be imperatively sought in the case of families with children.[11]

III. Information provided by other stakeholders

A. Scope of international obligations[12] and cooperation with international human rights mechanisms and bodies[13]

12. Amnesty International (AI) and JS6 recommended that France ratify the International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families.[14]

13. World Alliance for Citizen Participation (CIVICUS) recommended that the Government prioritize official visits with the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression, and the Special Rapporteur on the rights to freedom of peaceful assembly and of association.[15]

14. IHRC-OU (International Human Rights Clinic) and JS6 recommended that France consider ratifying the ILO Convention Nos. 169 and 189 and consider the recognition of collective rights, as set out by the United Nations Declaration on the Rights of Indigenous Peoples.[16]

15. AI noted that France's ratification of the Arms Trade Treaty in 2014 was a positive step given its role as a major exporter of arms. However, gaps in the legal framework

remain and could lead to unlawful arms transfers, diversion or illicit arms trafficking.[17] AI recommended that the State meet its obligations under the Arms Trade Treaty and not authorize the transfer of conventional arms where it has knowledge, at the time of authorization, that the arms or items would be used in the commission of genocide, crimes against humanity, or war crimes.[18] Organization for Defending Victims of Violence (ODVV) made similar recommendations.[19]

B. National human rights framework[20]

16. AI reported that over the past four years the authorities have introduced a number of reforms including several action plans, a national action plan against racism and anti-Semitism, and a national action plan for gender equality in the public sector.[21]

C. Implementation of international human rights obligations, taking into account applicable international humanitarian law

1. Cross cutting issues

Equality and non-discrimination[22]

17. ADDH/CCIF (Association de défense des Droits de l'Homme/Collectif Contre l'Islamophobie en France) noted that the majority of victims of discrimination are women.[23] The Human Rights League (LDH) made similar comments.[24]

18. Human Rights Watch (HRW) reported that France accepted recommendations to step up its efforts against discrimination, racism, xenophobia and anti-Semitism. France adopted a National Action Plan against racism and anti-Semitism for 2012-2014, renewed for 2015-2017. HRW recommended ensuring an effective state response to anti-Semitic and anti-Muslims attacks and to wider racism, discrimination and xenophobia.[25]

19. The European Union Agency for Fundamental Rights (EUFRA) reported that the Court of Cassation in a landmark case reviewed claims by 13 men of African or Arab origin alleging that they were victims of humiliating police checks. The Court ruled that the police illegally checked the identities of three of them based on discriminatory ethnic profiling, stating that identity checks based on physical features associated with a real or supposed origin, without any prior objective justification, are discriminatory.[26]

20. JS4 stated that racially motivated acts of violence are alarmingly commonplace, with the authorities failing to take sufficient measures to protect itinerant citizens/Travellers against these practices.[27] Organization for Security and Co-operation in Europe (OSCE) stated that France regularly reports hate crime data to Office for Democratic Institutions and Human Rights (ODIHR): in 2015, 1790 incidents were recorded by police; data of prosecuted and sentenced cases are not available.[28] The European Roma Rights Centre (ERRC) recommended that France combat all manifestations of racism against Roma, ensures that all instances of anti-Roma violence and hate speech acts do not go unpunished; and increases support for NGOs working to facilitate the inclusion of Romani communities.[29] Council of Europe (CoE) made similar recommendations.[30]

21. EU FRA reported that more than 30 municipalities in France sought to enact by-laws prohibiting the so-called 'burkini', a swimsuit designed for women that covers their entire body. Justifications for such bans tend to argue that the burkini runs counter to moral standards and French secularism (laïcité).[31] ODVV recommended that France should reach out to Muslims and give them assurances that they are not under suspicion because of their religion or ethnicity.[32]

22. Inter-LGBT found that despite the progress made in terms of the rights of LGBT persons, hate speech had grown, especially on the social networks. Inter-LGBT recommended that French law should change in order to take better account of the victims of violence and multidimensional discriminations and that France should pursue an ambitious education policy to combat all gender stereotypes and discriminations against LGBT persons.[33]

23. AI reported that in 2016, Parliament adopted a law to enable transgender people to gain legal recognition of their gender without fulfilling any medical requirement.[34] AI recommended ensuring that transgender people can obtain legal recognition of their gender through a quick, accessible and transparent procedure, while preserving their right to privacy.[35]

Development, the environment, and business and human rights[36]

24. AI reported that in 2017, the Government adopted a bill imposing a duty on a number of French companies to implement a "vigilance plan" to prevent human rights abuses and environmental damage in relation to their activities in France and abroad.[37] AI recommended ensuring accountability for victims of human rights violations by corporate enterprises.[38]

Human rights and counter-terrorism

25. ADDH/CCIF reported that after terrorist attacks, the Government has undertaken a security policy stigmatising Muslim populations. Further, ADDH/CCIF expressed concern about the efficiency of the security measures taken by the Government and their impact on fundamental rights and the security of a part of the population.[39]

26. HRW documented repeated abuses during policy operations carried out under the state of emergency, which allows police to search homes and place people under house arrest without prior judicial approval. HRW recommended ensuring that counterterrorism measures are carried out in a non-discriminatory and proportionate manner and that raids are subject to prior judicial authorization.[40] AI recommended limiting the use of emergency powers to what is strictly required by the exigencies of the situation.[41] ODVV recommended that in pursuing terror crimes, France makes further efforts to protect the fundamental rights and freedoms of its citizens.[42] The Syndicat de la magistrature (SM) made similar recommendations.[43]

27. LDH expressed concern regarding the Intelligence Act of 24 July 2015, which legalized particularly intrusive illegal procedures, practiced outside any legal framework.[44]

2. Civil and political rights

Right to life, liberty and security of person[45]

28. The Collectif des Parties Civiles pour le Rwanda (CPCR) and IBUKA noted that throughout the most recent cycle of the universal periodic review France had failed to comply with its international human rights obligations as far as the Rwanda genocide was concerned.[46] CPCR pointed out that the allegations of French complicity in the genocide could constitute violations of the Convention on the Prevention and Punishment of the Crime of Genocide.[47] CPCR and IBUKA recommended that France take appropriate measures commensurate with its obligations and prosecute all genocide suspects living in France.[48]

29. CIVICUS and AI expressed concern about the police use of force during protests in France in recent years.[49] CIVICUS and AI recommended that all instances of excessive force committed by security forces while monitoring protests and demonstrations should be immediately investigated.[50] JS8 made similar remarks and recommendations.[51]

30. HRW and Plateforme pour en Finir avec les Contrôles au Faciès (Platforme contre CAF) reported that the identity check system is open to abuse by the police, and that recurrent identity checks and searches targeting minority youth nurture a sense of exclusion and discrimination among them. HRW and Platforme contre CAF recommended that France reform the Code of Criminal Procedure to require that all identity checks be based on a reasonable, individualized suspicion.[52]

31. Dominicans for Justice and Peace (DJP) noted with concern the situation of detainees in French prisons, and the negative impact on the conditions of detention and the human dignity of persons deprived of liberty.[53] DJP also drew attention to the alarming degree of overcrowding in prisons, the serious shortage of material and human resources

and the degrading conditions of detention.[54] DJP and the Contrôleur général des lieux de privation de liberté (CGLPL) recommended that France use alternative sanctions, shorten trial delays and increase material and human resources.[55] Lire pour en Sortir (LPES) recommended that France intensify its efforts to resettle detainees, and make more use of cultural activities.[56] SM recommended greater use of alternatives to imprisonment and the pursuit of a decriminalization policy.[57]

32. CGLPL found that many prisons cells designed for a single person contained three beds, often within an area of less than 9 m².[58] Furthermore, access to treatment has in many cases deteriorated, with an insufficient number of medical staff in premises that have become too exiguous to ensure treatment under satisfactory conditions and in conformity with the need for medical secrecy.[59] CGLPL was concerned at the systematic resort to isolation chambers and restraints for persons with psychosocial disabilities and by the shortage of psychiatric care available in prisons.[60]

33. HRW documented the inadequate conditions for prisoners with psychosocial disabilities. The lack of adequate and appropriate mental health services and reasonable accommodation for prisoners with psychosocial disabilities in French prisons result in the deterioration of prisoners' mental health, and abuse of their rights. HRW recommended providing more effective daily care and appropriate living conditions to prisoners with psychosocial disabilities.[61]

Administration of justice, including impunity and the rule of law[62]

34. The Association nationale d'assistance aux frontières pour les étrangers (ANAFE) noted that France had not complied with the recommendations made to it to take the necessary steps to ensure an equal right to suspensive and effective appeal for all migrants and asylum seekers kept in holding areas, and allow access to legal assistance.[63]

35. ANAFE noted that during the first 96 hours, foreigners were deprived of liberty without their situation being considered by any authority outside the administration. A suspensive appeal procedure has been instituted only for asylum seekers at the border; no provision is made for other foreigners kept in holding areas, whether they are barred from entry, in the course of interrupted transit or isolated minors.[64] Moreover, for minors there is still no guaranteed access to a judicial review and there is no appeal procedure for suspending removal in order to allow a thorough examination of the minor's situation.[65]

36. OSCE noted that in the framework of the "Action Plan against Racism and Anti-Semitism 2015-2017", a circular instructed prosecutors in hate crime trials to request sentences that include an educational component as part of perpetrator's sentences.[66]

Fundamental freedoms and the right to participate in public and political life[67]

37. ADDH/CCIF, HRW and CIVICUS considered that the law 2004-228, prohibiting the visible wearing of religious signs for public secondary school pupils, violates the fundamental rights to freedom from discrimination, freedom of religion and the right to autonomy.[68] HRW and ADDH/CCIF recommended that France repeal or amend the law instituting the ban on full-face concealment in public spaces to ensure that women who choose to veil their faces for religious reasons may do so without fear of legal sanction.[69] ODVV made similar recommendations.[70]

38. CIVICUS noted that concentrated media ownership undermines editorial independence and that the authorities have sometimes restricted the work of journalists covering events in the public interest, such as the dismantlement of the refugee settlement in Calais.[71] CIVICUS recommended ensuring freedom of expression and media, ensuring that journalists have the ability to protect their sources.[72]

39. Reporters sans frontières (RSF-RWB) recommended that France respect the role of the media and the work of journalists and combat all forms of verbal attack and questioning of the legitimate pursuit of journalism.[73]

40. JS10 stated that while the French Government's efforts to combat racism and antisemitism were to be welcomed, that struggle should henceforth be extended to offences and discriminations against persons of other origins and religions.[74] JS10 recommended that

France conduct information campaigns on the situation and observance of religious freedom for all and ensure the enforcement of arrangements made to combat religiously motivated offences.[74]

Prohibition of all forms of slavery[76]

41. JS6 and JS7 were particularly concerned at the situation of children who fell victims to human trafficking. They recommended that France assist children at risk and victims of trafficking to rebuild their lives and provide a legal representative for every child.[77]

42. JS6 and JS7 further recommended initiating a second national multi-year plan to combat human trafficking, with sufficient means for its implementation, part of which should be devoted to the specific situation of child victims.[78] They further recommended ceasing to intern the victims of trafficking and ensuring their protection.[79]

Right to privacy and family life[80]

43. AI and AccessNow noted that two laws passed in 2015 have been granting extensive powers of surveillance to intelligence services.[81] AccessNow recommended that France amend the provisions regarding surveillance and access to personal information in the two laws to ensure that law enforcement and intelligence only interfere with privacy to the extent necessary and proportionate in pursuit of a legitimate aim.[82] AI[83] and Privacy International (PI)[84] made similar recommendations.

44. ADF International recommended ensuring that responsibilities, rights and duties of parents and legal guardians to provide appropriate guidance to their children are respected.[85]

3. Economic, social and cultural rights

Right to work and to just and favourable conditions of work[86]

45. LDH found that despite encouraging signs regarding gender equality in employment, major disparities existed between different sectors.[87]

46. ADDH/CCIF reported cases of discrimination concerning Muslim women wearing the headscarf, which took place in private businesses.[88] ADDH/CCIF recommended to not discriminating women in the labour market.[89]

47. Associazione Comunità Papa Giovanni XXIII (APG23) reported that the unemployment rate of persons with disabilities is twice the one of the population without disabilities. APG23 stressed the need to avoid that persons with a certain degree of disability might become at risk of poverty.[90] APG23 recommended that the interventions in the field of labour iintegration be strengthened and that the dignity of the persons with disabilities be taken iinto account by business and employment policies.[91]

48. JS1 noted rising rates of unemployment and poverty, particularly among young people from deprived backgrounds,[92] despite the determined policy conducted by France regarding young people and their access to independence since the last universal periodic review.[93] JS1 recommended that France develop and strengthen its various policies for youth.[94]

49. ODIHR reported that the employment of Roma economic migrants in Western European destination countries has been impeded by labour restrictions. Nevertheless, in France these restrictions are being "gradually lifted" and in some cases this has been accompanied by positive measures, allowing for better employment opportunities for Roma migrants.[95]

Right to an adequate standard of living[96]

50. ERRC reported that Romani communities in France live in substandard housing and experience multiple forced evictions, which leave them in increasingly marginalised, poor and unstable conditions.[97] No durable solutions or measures for integration were provided even for those most vulnerable, among them pregnant women, persons with disability and

the elderly."[98] ERRC added that Romani people living in slums have inadequate drinking water and sanitation.[99] ERRC recommended that France immediately cease the practice of evicting Roma from their homes and communities without any alternative sustainable solution for housing; and that ensures equal access to basic rights, including water and sanitation, health insurance and health care, access to emergency housing.[100] ODVV made similar recommendations.[101]

51. JS4 recommended ensuring that itinerant citizens live in conditions meeting basic standards of decency, and that halting sites are not in locations where residents are exposed to health and environmental risks.[102]

52. The International Movement ATD Fourth World found that the situation of people living in extreme poverty had not noticeably improved as far as their poor accommodation was concerned.[103] ATD Fourth World recommended that France ensure that public policies effectively benefit the poorest members of the population, and make every effort to set aside funding for the construction or rehabilitation of housing intended for the poorest people.[104]

Right to education[105]

53. ERRC reported that 30% of Romani children living in slums and squats have never been enrolled in school,[106] and recommended that the State investigate all reported cases of refusal to enrol Romani children; and that require the immediate enrolment of school-age Romani children in school-age.[107] OSCE reported that fewer than one out of 10 Roma is reported to have completed upper-secondary education.[108] EU FRA indicated that, despite various efforts concerning Roma integration, challenges persist in respect to access to education and poor housing conditions.[109]

54. JS1 welcomed the positive measures attributable to the Act on public school reform.[110] It regretted the persistence of inequalities between students, however, due to their social background, and the fact that the reform has not been backed up with sufficient means to ensure its uniform implementation across the country.[111] JS1 recommended setting up some means of evaluating the Act and its educational system by 2019.[112]

55. JS10 recommended that the Government ensure that the national education programmes and teaching methods respected freedom of thought, conscience and religion for students and their parents alike.[113]

4. Rights of specific persons or groups

Women[114]

56. LDH found that in the last 3 years the introduction of new legislation had allowed foreign women who had been victims of violence access to certain rights. Nevertheless, from a legal point of view foreign and migrant women still do not enjoy effective protection.[115]

57. LDH noted that in the private sector the Act of 27 January 2011 set a target quota of 20 per cent of women in governing and supervisory boards by 1 July 2014 and a target quota of 40 per cent of women by 2017. Despite the encouraging signs considerable disparities remain between sectors. Moreover, the wage gap remains very strong, especially in the higher salary range.[116]

Children[117]

58. Regarding crimes against children and child prostitution, the Conseil Français des Associations pour les Droits de l'Enfant (COFRADE) observed that the fact that criminal structures and responses were ill-adapted and the lack of prevention showed what little importance is attached to the issue by the public authorities. COFRADE encouraged the State to set up child-friendly reception facilities, as well as specific training for professionals.[118]

59. JS3, Global Initiative to End all Corporal Punishment of Children (GIEACPC) and Coordination pour l'éducation à la non-violence et à la paix (Coordination) found that

although corporal punishment was prohibited in schools and in the criminal system, it was still not clearly and explicitly forbidden in the family or in other places that cared for children.[119] They hoped that the States would tackle the problem during the 2018 review and they recommended in particular that France should make it a priority to clearly and explicitly forbid all corporal punishment of children.[120]

60. JS3 and COFRADE drew attention to the recent progress made by France in terms of information and awareness regarding corporal punishment. They welcomed the adoption of several initiatives to combat violence against children and they encouraged France to continue conducting national information campaigns.[121]

61. Union pour l'Enfance (UFSE) drew attention to the need to give effect to the higher interest of the child in the child protection system in such sensitive areas as parents' visiting rights.[122] UFSE recommended that France distinguish between the judicial treatment accorded to children and to parents, and ensure specific training for magistrates on child protection problems.[123]

Persons with disabilities[124]

62. APG23 reported that in 2016, only 43.8% of disabled students going to school in an ordinary context benefitted from an adequate accompaniment. The education system does not reduce inequalities between pupils and still places France in the lowest ranks in Europe in terms of equity.[125] APG23 recommended that France quickly proceed in including in ordinary schools the too many children with disability that are still excluded.[126]

63. Regarding persons with disabilities, CoE noted that despite a well-developed legal framework and the priority given to independence and social inclusion, these are not always guaranteed in practice.[127]

64. JS2 noted that access to the international dimension of higher studies remained very problematic for students with disabilities.[128] JS2 proposed introducing an "international status for students with disabilities", which would help overcome some of the problems that arise, such as the lack of accompaniment or discriminatory barriers of a financial and administrative nature.[129]

65. JS9 deplored the system of discrimination against bearers of trisomy 21, and recommended that France overhaul its screening policy for this disability in fulfilment of its international commitments; JS9 further recommended conducting campaigns to inform the public about trisomy 21 carriers.[130]

Minorities and indigenous peoples[131]

66. OSCE-ODIHR reported that mainstream parties in a number of OSCE States, including France, have resorted to rhetoric against Roma immigrants, increasingly categorizing them as "public security" or "public health" risks, or linking Roma immigration to human trafficking and exploitation, especially of women and children.[132] CoE underlined the urgent need to guarantee Roma access to healthcare, education, housing and employment.[133]

67. ELEN (European Language Equality Network) recommended taking measures — such as promoting bilingualism in public life — to combat linguistic racism in France, towards a real recognition of linguistic and cultural diversity.[134] EBLUL ELEN (European Bureau for Lesser Used Languages) made similar recommendations.[135]

68. IHRC-OU recommended that France include Amerindian representatives in national decision making and benefit sharing; and considers further programs to make healthcare accessible to those indigenous groups most affected by the illegal mining operations.[136]

Migrants, refugees, asylum seekers and internally displaced persons[137]

69. AI reported that asylum seekers in France face long delays before they can file an application for asylum and enjoy the rights as a registered applicant for refugee status, including access to temporary accommodation. AI is also concerned about the number of cases of deportation without a through and individual assessment of the risks of torture and

other ill-treatment they might face upon return. France continues to use the procedure under the Dublin Regulation to transfer asylum seekers despite the risk of human rights violations and the calls from UNHCR to end such transfers.[138] AI recommended ensuring individuals are not returned to countries where they would be at risk of serious human rights violations.[139]

70. Global Detention Project (GDP) reported that detention in France recorded a high number of detainees in 2016, including numerous children fleeing situations of war, violent conflict or brittle rule of law.[140] GDP recommended ensuring that persons fleeing war and violence and seeking asylum are not detained at the time when they apply for asylum; that families with children are not detained and that alternatives to detention are available.[141] ODVV recommended that France continue protecting the rights of all migrants regardless of their situation and status.[142]

71. JS1 drew attention to the situation of unaccompanied minors, who came to France alone in an effort to escape from conflict zones or extremely precarious living conditions. Such children, however, who should enjoy the State's protection, are heavily discriminated against in terms of accessing their rights to protection, education and integration. JS1 recalled the importance of granting them the same rights and the same protection as French children.[143] ANAFE pointed out that the practice of keeping children isolated in holding areas still persisted in contravention of all the principles of international law. The few guarantees they are offered are clearly insufficient. There is no appeal procedure available to suspend their removal in order to seriously investigate their situation.[144]

72. ANAFE reported that border controls had been reinstated since the implementation of state of emergency procedures. Since the end of 2015, the consequences are felt in holding areas, since the state of emergency is invoked to justify certain extensions of internment, while new profiles of persons are deprived of liberty at the borders. Discriminatory controls based on facial profiling, blockages, systematic returns and the return of children without any regard for existing procedures are regularly implemented.[145]

73. CoE noted with concern that the trend towards more stringent and complex rules in the asylum and immigration fields raises serious questions of compatibility with France's international commitments, notably the human rights of asylum seekers. CoE called on the French authorities to improve the living conditions of migrants in Calais and to afford them greater protection against violent xenophobic attacks. It underlined that France needs to improve the legal aid and procedural guarantees offered to immigrants and asylum seekers.[146] EU FRA reported that, at Grand-Synthe, a suburb of Dunkirk, some 3,000 people were reported to live in freezing and inhumane conditions towards the end of 2015.[147] JS8 made similar comments.[148]

74. HRW documented abuses against asylum seekers and migrants by the French police forces, and lack of access to basic services. HRW also expressed concerns on the treatment of unaccompanied migrant and asylum-seeking children, with some unable to access services or receive protection as guaranteed by the law. Further, HRW reported that France was detaining each year up to 500 unaccompanied children in transit zones at the borders, where they were being denied protection. HRW recommended that France investigates reports of police abuse against asylum seekers and migrants and issue clear guidance to police officers clarifying the prohibition of unjustified and disproportionate use of force. It also recommended ensuring that unaccompanied migrant children on French territory have full access to asylum procedures and are not placed in detention in transit zones.[149]

75. HRW indicated that the French Ombudsman reported, after a visit in Calais on 12 June 2017, that many unaccompanied children have no access to shelter and sleep outside. They also lack access to sanitation, food and education.[150]

76. JS8 recommended stepping up the efforts made to increase the number of places available in reception centres for asylum seekers (CADA).[151]

5. Specific regions or territories

77. ANAFE pointed out that the law applicable to foreigners overseas and especially in Mayotte was subject to derogations from ordinary law that had no equivalent in any other

French department, in the form of internment and return of isolated foreign children, absence of suspensive appeal against expulsion orders, or refusal to register asylum requests.[152]

78. JS1 noted the extremely alarming situation in the French overseas territories facing young people, in terms of their access to education, training and jobs.[153] It recommended that France establish a comprehensive, appropriately funded long-term policy for young people overseas.[154]

79. JS5 recalled how important it was for France to recognize in its legislation, institutions and policies the minorities living within the territory it governs and the need to preserve the cultural diversity of the peoples governed by France.[155]

80. JS1 recalled that in Mayotte, New Caledonia and French Guiana, children had to face serious schooling problems owing to harsh living conditions, a lack of means and strong immigration.[156] It recommended ensuring the education of all children overseas, irrespective of their legal status or their nationality.[157]

81. GDP reported that 2016 was a record year in terms of detention of children. In Metropolitan France 182 children were placed in administrative detention and 4,285 in Mayotte.[158]

Notes

[1] The stakeholders listed below have contributed information for this summary; the full texts of all original submissions are available at: www.ohchr.org. (One asterisk denotes a national human rights institution with "A" status).

Civil society

Individual submissions:

AccessNow	Access Now, New York (United States of America).
ADDH/CCIF	Association défense des Droits de l'Homme/Collectif Contre l'Islamophobie en France, Saint-Ouen (France).
ADF International	ADF International, Geneva (Switzerland).
AI	Amnesty International, London (United Kingdom).
ANAFE	Association nationale d'assistance aux frontières pour les étrangers, Paris (France).
APGXIII	Associazione comunità Papa Giovanni XXIII, Rimini (Italy).
ATD Fourth World	International Movement ATD Fourth World, Pierrelaye (France).
CGLPL	Contrôle général des lieux de privation de liberté, Paris (France).
CIVICUS	World Alliance for Citizen Participation, Johannesburg (South Africa).
COFRADE	Conseil Français des Associations pour les Droits de l'Enfant, Paris (France).
Coordination	Coordination pour l'éducation à la non-violence et à la paix, Paris (France).
CPCR	Collectif des Parties civiles pour le Rwanda, Reims (France).
Dominicans for J&P	Dominicans for justice and peace, Geneva (Switzerland).
EBLUL FLEN	European Bureau for Lesser Used Languages, Carhaix (France).
ELEN	European Language Equality Network, Brussels (Belgium).
ERRC	European Roma Rights Centre, Budapest (Hungary).
GDP	Global Detention Project, Geneva (Switzerland).
GIEACPC	Global Initiative to End All Corporal Punishment of Children, London (United Kingdom of Great Britain and Northern Ireland).
HRW	Human Rights Watch, Geneva (Switzerland).
IBUKA	IBUKA, Kigali (Rwanda).
IHRC-OU	International Human Rights Clinic, Norman, Oklahoma (United States of America).

Inter-LGBT	Inter-LGBT, Paris (France);
LDH (FIDH)	Ligue des droits de l'Homme, Paris (France);
LPES	Les pieds sur Terre, Paris (France);
OIDVV	Organization for Defending Victims of Violence, Tehran (Iran Islamic Republic of);
PI	Privacy International, London (United Kingdom of Great Britain and Northern Ireland);
Plateforme Comité UA	Plateforme pour un Euro avec les Comités au Faso, Paris (France);
RSF-RWB	Reporters Without Borders International, Paris (France);
SM	Syndicat de la magistrature, Paris (France);
UFM	Union pour l'Enfance, Paris (France).

Joint submissions:

JS1	**Joint Submission 1 submitted by:** Apprentis d'Auteuil, Secours catholique – Caritas France, Paris (France);
JS2	**Joint Submission 2 submitted by:** Conférence des grandes écoles, La fédération Enseignement, Paris (France);
JS3	**Joint Submission 3 submitted by:** Collectif des associations œuvrant contre les violences éducatives ordinaires faites aux enfants (poursuites comprises) et humiliantes) – Action – Association contre les violences faites aux enfants – Association Henri Guérance, Formation et Recherches, Association IEPS, Ensemble pour l'Education Familiale, Les Fondateurs pour l'Enfance, La Maison de l'Enfant Maltraité, traumatisé et victimologie, No claques et fessées – L'Observatoire de la violence éducative ordinaire (OVEO), Les Parents S'unissent Stop VEO, Enfance sans violences, Les personnalités œuvrant contre la VEO – Arnaud Devos, Isabelle Filliozat, Catherine Gueguen et Gilles Lazimi, Paris (France);
JS4	**Joint Submission 4 submitted by:** Collectif National des Citoyens Gitanes, France Libertés Voyage, Association de Défense des Usagers de Familles – Défenseur – Gare du voyage, Les Gares du voyage de Gennevilliers, Cercle Fédératif Action Gitane, Les Filles et Fils des internés du camp de Saliers, Figoul et Transmettre Urgentes, La Mémorielle Intellectuel Urgentes, ANPSGE, A. Normandie de France, Association des Gares du Voyage d'Ile-de-France, Les Bouillets de la Solidarité, Les Voyageurs des Hauts de France, Les Français du Voyage, Association Urgente, Association Culturelle Marocaine des Gitanes Orientaux, Nouvelle-ref en Bois (France);
JS5	**Joint Submission 5 submitted by:** Direction aux Affaires Économiques, SNEI Association des maires de Carcagnes & ALO, Saint-Germain-en-Bois (France);
JS6	**Joint Submission 6 submitted by:** Associations membres du Collectif « Ensemble contre la traite des êtres humains » – Action Catholique des Femmes, ACF, Agir Contre la Prostitution des Enfants, Agir Ensemble pour les Droits de l'Homme, Amitié du Nil, Amnyo du Salut, Association pour la Réadaptation Sociale, Comité Contre l'Esclavage Moderne, Comité Protestant évangélique pour la Dignité Humaine, Congrégation Notre Dame de Charité du Bon Pasteur, Conseil Français des Associations pour les Droits de l'Enfant (CFAD), France, Fédération de l'Entraide Protestante, Equipe CEDI-Jeunes créatifs, Fondation Jean et Jeanne Scaffet, Ouvre la voie, Justice et Paix France, Le Carrefour, Les Champs de Bleus, Mouvement du Nid, Organisation Internationale Contre l'Esclavage Moderne, Planète Enfants, SOS Esclaves (soutenu par le Secours Catholique – Caritas France, Paris (France);
JS7	**Joint Submission 7 submitted by:** ECPAT France;
JS8	**Joint Submission 8 submitted by:** Fédération Internationale de l'Action des Chrétiens pour l'Abolition de la Torture, ACAT France;
JS9	**Joint Submission 9 submitted by:** Fondation Jérôme Lejeune, Demogrode Collectif contre l'Homophobie, Stop Discriminating Down, Paris (France);
JS10	**Joint Submission 10 submitted by:** World Evangelical Alliance, Conseil National des Evangéliques de France (CNEF) (European Evangelical Alliance).

[EU-FRA] European Programme pour la Dignité Humaine et FIDH (Fédération Internationale des Ligues des Droits de l'Homme), Paris, France; Fédération Européenne Justice et Démocratie, Geneva (Switzerland).

National human rights institution

[CNCDH] Commission nationale consultative des droits de l'homme*, Paris, France.

Regional intergovernmental organizations

[CoE] Council of Europe, Strasbourg (France).

[EU-FRA] European Union Agency for Fundamental Rights, Vienna (Austria).

[OSCE/ODIHR] Office for Democratic Institutions and Human Rights/Organization for Security and Co-operation in Europe, Warsaw (Poland).

[1] CNCDH, para. 25.

[2] CNCDH, paras. 20 and 21.

[3] CNCDH, para. 23.

[4] CNCDH, paras. 13 and 14.

[5] CNCDH, paras. 6 and 8.

[6] CNCDH, para. 37.

[7] CNCDH, paras. 15 and 16.

[8] CNCDH, para. 22.

[9] CNCDH, para. 32.

[10] CNCDH, para. 39.

[11] The following abbreviations are used in UPR documents:

ICERD	International Convention on the Elimination of All Forms of Racial Discrimination
ICESCR	International Covenant on Economic, Social and Cultural Rights
OP-ICESCR	Optional Protocol to ICESCR
ICCPR	International Covenant on Civil and Political Rights
ICCPR-OP 1	Optional Protocol to ICCPR
ICCPR-OP 2	Second Optional Protocol to ICCPR, aiming at the abolition of the death penalty
CEDAW	Convention on the Elimination of All Forms of Discrimination against Women
OP-CEDAW	Optional Protocol to CEDAW
CAT	Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment
OP-CAT	Optional Protocol to CAT
CRC	Convention on the Rights of the Child
OP-CRC-AC	Optional Protocol to CRC on the involvement of children in armed conflict
OP-CRC-SC	Optional Protocol to CRC on the sale of children, child prostitution and child pornography
OP-CRC-IC	Optional Protocol to CRC on a communications procedure
ICRMW	International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families
CRPD	Convention on the Rights of Persons with Disabilities
OP-CRPD	Optional Protocol to CRPD
ICPPED	International Convention for the Protection of All Persons from Enforced Disappearance

[12] For relevant recommendations see A/HRC/25/5, paras. 126.1-22, 126.50, 126.136, 126.141 and 126.162.

[13] Id., page 2, related to response to recommendation 126.8 (Philippines). For the full text of the recommendation see A/HRC/25/5/Add.1, 2014, page 5, para. 9.

[14] CNCDH, page 11, para. 5.4.

[15] HRC, A/5, page 2, 2011, page 5, para. 9.

[16] "plight".

[17] Id., page 8.

[18] CRPD/C, para. 20.

[19] For relevant recommendations see A/HRC/25/5, paras. 126.32-38, 126.64, 126.68, 126.71, 126.79, 126.84, 126.98-101, 126.132.

abstain) and 120.38 (Romania). For the full text of the

[illegible] p. 2, related to recommendations 120.5-10a, recommendations see A/HRC/23/3/Add.1

3 paras. 120.27, 120.40, 120.43, 120.46, 120.48-49, [illegible] For relevant recommendations see A/HRC/23/3, para. 78, 120.80-83, 120.85, 120.87-92, 120.133-134, 120.62-63, 120.65, 120.67, 120.69a-70, 120.72, 120.149-146, 120.150-151, 120.156,

[illegible] SOMOA I.35, para. 9.

[illegible] I.TAG, pages 8, para. 23.

[illegible] IHRB, para. 3.

[illegible] I.1. EHCS, page 4.

[illegible] JS4, page 3.

[illegible] A/HRC/1.9/102/Add.1, page 3.

[illegible] IHRB, pages 7, paras. 9 and 7.

[illegible] CoE, page 3.

[illegible] I.1. EHCS, page 4.

[illegible] CESCR, para. 19.

16

[illegible] letter I.1.EHCS, pages 3 and 4, paras. 11, 13 and

[illegible] SG, page 5.

[illegible] SG, page 7.

3, paras. 120.52-54, 120.137

[illegible] For relevant recommendations see A/HRC/23/3, para.

[illegible] SG, page 7.

[illegible] SG, page 7.

[illegible] SOMOA I.35, paras 14, 15 and 16.

[illegible] IHRB, para. 3.

[illegible] SG, page 6.

[illegible] CESCR, para. 19.

[illegible] NM, para. 19.

[illegible] I.CRC, pages 3, paras. 14 and 15.

3, paras. 120.41, 120.93-97, 120.102-103, 120.105-

[illegible] For relevant recommendations see A/HRC/23/3, para. 112, 120.130-138.

ra. 9.

[illegible] CPI.38, page 1, para. II.1, IHC.KA, page 2, par.

[illegible] CPI.38, page 2, paras. 3, 5 and 6.

paras. 11 and 22. See also IHC.KA, page 29, para. 29

[illegible] CPI.38, page 8, paras. 39 (a) and (c), IHC.KA

[illegible] I.EXH.VA, page 8, para. 4.6., SG, page 5.

[illegible] I.EXH.VA, page 11, para. 9.3., SG, page 7.

[illegible] JS8, page 6, para. 2.2, page 7, para. 3.

1, 4, 5, 9, 31, 32 and 33

[illegible] IHRB, para. 1, [illegible] contra I.SG, paras.

[illegible] Observations for I.SG, page 2, para. 2.

41, (5) (8) and (9)

[illegible] Observations for I.SG, pages 3 and 4, para. 2 (c).

I.GLPI, page 4

[illegible] Observations for I.SG, pages 4 and 5, para. 9.

[illegible] CPI.9, page 1.

[illegible] NM, para. 19.

[illegible] I.GLPI, page 1.

[illegible] I.GLPI, page 2.

[illegible] I.GLPI, page 4.

[illegible] IHRB, para. 4.

3/3, paras. 120.104

[illegible] For relevant recommendations see A/HRC/23/3, para.

[illegible] SN.SIJ1, page 2.

[illegible] SN.SIJ1, page 3.

[illegible] SN.SIJ1, pages 2 and 4.

[illegible] Obs.S.1.HSDEM, page 3.

3/3, paras. 120.23-26, 120.28-31, 120.51, 120.135

[illegible] For relevant recommendations see A/HRC/23/3, para.

I.CUS, page 6, para. 3.7

[illegible] SOMOA I.35, para. 29, IHRB, para. 9, CPI.9

[illegible] IHRB, para. 9, SOMOA I.35, para. 26.

[illegible] CESCR, para. 18.

[illegible] I.EXH.VA, page 6, para. 3.3.

[illegible] I.EXH.VA, page 10, para. 9.2.

[illegible] JOINT, IHRB, para. 6.

[illegible] JS10, page 5, para. 33.

[illegible] JS10, page 5, para. 34.

23/3, paras. 120.1119-125

[illegible] For relevant recommendations see A/HRC/23/3, para. 28.

[illegible] Note, pages 2 and 3, paras. 3 and 4, JS7, p.4, para. 18.

[illegible] Note, pages 2 and 3, para. 3, JS7, page 4, 2.

[illegible] Note, p. 5, para. 7, JS7, page 6, para. 22.

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[86] For relevant recommendations see A/HRC/23/3, paras. 120.130-131.
[87] AI, page 2; AccessNow, paras. 9 and 10.
[88] AccessNow, para. 19 (b).
[89] AI, page 6.
[90] PI, page 6, para. 23.1.
[91] ADF International, para. 18 (a).
[92] For relevant recommendations see A/HRC/23/3, paras. 120.138, 120.149 and 120.153.
[93] LDH, page 5, paras. 30, 31, 32.
[94] ADDH/CCIF, para. 12.
[95] ADDH/CCIF, para. 13, related to recommendations 120.38 (Romania), 120.40 (Ukraine), 120.91 (Poland), 120.92 (Ireland). For the full text of the recommendations see A/HRC/23/3.
[96] APG23, para. 2.1.
[97] APG23, para. 3.
[98] JS1, page 10, para. 4.
[99] JS1, page 16.
[100] JS1, page 16.
[101] OSCE-ODIHR, *Implementation of the Action Plan on Improving the Situation of Roma and Sinti within the OSCE Area: Status Report 2013* (Warsaw: OSCE/ODIHR, 2013), p. 38.
[102] For relevant recommendations see A/HRC/23/3 paras. 120.139, 120.147, 120.154-155.
[103] ERRC, page 3, para. 3.
[104] ERCC, page 4, para. 4.
[105] ERRC, page 5, para. 6.
[106] ERRC, page 7, paras. 3 and 6.
[107] ODVV, paras. 10 and 17.
[108] JS4, page 7.
[109] ATD Quart Monde, page 2, paras. 8 and 9.
[110] ATD Quart Monde, page 5, paras. 26 (a) and (b).
[111] For relevant recommendations see A/HRC/23/3 paras. 120.140-142.
[112] ERRC, page 5, para. 7.
[113] ERRC, page 7, para. 11.
[114] OSCE-ODIHR, page 8.
[115] EU FRA, page 7.
[116] JS1, page 5, paras. 13 and 14.
[117] JS1, page 4, para. 11; page 5, para. 15.
[118] JS1, page 9, para (a).
[119] JS10, p. 12, para. 44.
[120] For relevant recommendations see A/HRC/23/3, paras. 120.42-43, 120.56-61, 120.114-115.
[121] LDH, page 6, paras. 36 and 42.
[122] LDH, page 5, paras. 31, 32 and 33.
[123] For relevant recommendations see A/HRC/23/3, paras. 120.39, 120.44-45, 120.113, 120.126-129, 120.165.
[124] COFRADE, page 4.
[125] Coordination, para 2; JS3, page 2, para. 1; GIEACP, page 2.
[126] JS3, page 10; Coordination, para. 1; GIEACP, page 2, para. 1.4.
[127] JS3, pages 5 and 6, para. 2 (2.1, 2.2, 2.3, 2.4); COFRADE, page 3.
[128] UFSE, page 3, para. 2.1.
[129] UFSE, page 5, paras. 2.3.1 and 2.3.3.
[130] For relevant recommendations see A/HRC/23/3, paras. 120.47, 120.144.
[131] APG23, para. 2.2.
[132] APG23, para. 3.
[133] CoE, page 3.
[134] JS2, pages 6 and 7.
[135] JS2, pages 12, 13 and 14, paras. 1 and 2 (1, 2, 3 and 4).
[136] JS9, page 10, para (e).
[137] For relevant recommendations see A/HRC/23/3, paras. 120.86, 120.152.
[138] OSCE-ODIHR, page 6; Implementation of the Action Plan on Improving the Situation of Roma and Sinti within the OSCE Area, Status Report 2013 (Warsaw: OSCE/ODIHR, 2013), p. 25.
[139] CoE, page 3.
[140] ELEN, page 5, paras. 1 and 2.
[141] EBLUL ELEN.
[142] IHRC-OE, pages 2 and 3.
[143] For relevant recommendations see A/HRC/23/3, paras. 120.157-161, 120.163-164.
[144] AI, pages 4 and 5.

[139] AI, page 7.
[140] GDP, page 3.
[141] GDP, page 4.
[142] ODVV, para. 16.
[143] JS1, page 15, paras. 15 and 17.
[144] ANAFE, page 4.
[145] ANAFE, page 5.
[146] CoE, pages 2 and 3.
[147] EU FRA, page 10.
[148] JS8, pages 9 and 10, para. 1, page 12, para. 2.2.
[149] HRW, para. 2.
[150] HRW, para. 2.
[151] JS8, page 10, para. 1.2.
[152] ANAFE, page 5.
[153] JS1, page 17, para. 18.
[154] JS1, page 18.
[155] JS5, paras (a) and (d).
[156] JS1, page 17, para. 19.
[157] JS1, page 18.
[158] GDP, page 3.